

# STANDARD OPERATING PROCEDURE

## ENFORCEMENT RESPONSE

THE CITY OF BLOOMFIELD HILLS  
45 E. LONG LAKE ROAD, BLOOMFIELD HILLS, MICHIGAN 48304



MARCH 2016

## **SECTION A – PURPOSE**

The Michigan Department of Environmental Quality (MDEQ) National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Phase II Stormwater Discharge Permit Application requires a procedure for Enforcement Response to address violations of the ordinance(s) or regulatory mechanism(s) identified in the Stormwater Management Plan.

## **SECTION B – GENERAL PENALTY**

Chapter 5 of Part 1 Charter of the City of Bloomfield Hills Code of Ordinances defines the penalties levied by the City for ordinance violations. The section specifically defines penalties for violations of ordinances.

### **Chapter 5, Section 6 – Penalties for violations of ordinances**

*“The commission shall have authority to provide in any ordinance for the punishment of those who violate the same, by a fine not exceeding five hundred dollars or imprisonment for a period not exceeding ninety days, or both, in the discretion of the court. Such ordinance may further provide that in case any person shall fail to pay any fine so imposed, that he may be imprisoned until such fine shall be paid, provided that no person shall be imprisoned for a single violation of any ordinance for a longer period than ninety days. Such imprisonment may be in the city prison, if any, in the county jail of Oakland County, or in any penal institution in the state authorized by law to receive prisoners from the city.”*

## **SECTION C – Ordinances**

### **PART 91 MUNICIPAL ENFORCEMENT AGENCY**

The City of Bloomfield Hills is an approved Municipal Enforcement Agency under the Part 91 of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as Amended. As an enforcing agency, the City is responsible for implementing and enforcing their Grading and Soil Erosion Control Ordinance.

#### **C.1 Chapter 17, Article III, Section 17-30 – Enforcing Agency**

*“The city building department shall be the municipal enforcing agency responsible for administering and enforcing Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (“Part 91”), within the municipal limits of the city.”*

#### **C.2 Chapter 17, Article III, Section 17-35 - .36.090 – Site Inspection**

- a. *“The building official, or his or her designee, shall inspect earth change sites to ensure compliance with the requirements of Part 91 and this article. Site inspections shall occur at a frequency necessary to ensure compliance with Part 91 and this article, but will always be at a minimum, at the beginning of construction,*

*during construction, and at the end of the project. The building official, or his designee, may utilize all compliance and enforcement actions authorized in Part 91 and the rules to bring sites into compliance with Part 91 and this article.”*

b. *“The costs incurred by the city for any inspections that are necessary due to other violations requiring the city to construct, implement and maintain soil erosion and sedimentation controls on the property and for which the escrow is insufficient to cover, due to a failure to remit payment pursuant to this section, shall constitute a lien against the property for which the permit was issued, which lien shall have the force, effect and priority as provided under Part 91.”*

### **C.3 Chapter 17, Article III, Section 17-40 – Penalties**

*Violations of this article shall be punishable as a municipal civil infraction. Each day on which a violation of this article exists shall be deemed to constitute a separate offense.*

### **C.4 Chapter 21, Article IV, Stormwater Management**

### **C.5 Chapter 21, Article V, Municipal Separate Storm Sewer System**

### **C.6 Post-Construction Ordinance**

The City intends to adopt the Oakland County Water Resources Commissioner (OCWRC) Engineering Standards for Storm Water Facilities (storm water management and water quality) once they have been revised and approved by EGLE. The OCWRC standards would take effect at the time the MS4 Permit goes into effect.

### **C.7 Illicit Discharges and Connections**

Illicit discharges and connections are to be corrected within 30 days of notice of violation (as practicable) as will be identified in city's IDEP draft ordinance.

## **SECTION D – ENFORCEMENT TRACKING**

City will track all violations and issued permits. The following information will be collected and used for tracking records for each violation that is imposed by the City.

1. Name
2. Date
3. Location of the Violation (address, cross streets, etc.)
4. Business, Agency, Organization as applicable
5. Description of the Violation
6. Applicable Correspondence
7. Follow-up Actions
8. Key Dates
9. Descriptions of the City's Enforcement Response

10. Schedules for Achieving Compliance
11. Date the Violation was Resolved

## **SECTION E – PROCESS FOR REVISION**

Any questions on this policy and procedure should be directed to the Stormwater Manager or the City Manager. This procedure shall be reviewed once per permit cycle by the Stormwater Manager for any updates to streamline the requirements.