

**CITY OF ST. JOHNS, MICHIGAN**  
**REQUEST FOR COMMISSION ACTION**  
**February 26, 2024**

<b>Department: Administration</b>	<b>Attachments:</b>	<b>Submitted to CA for Review</b>
<b>Subject: Resolution #7-2024 - Resolution to Adopt an Ordinance to Adopt a Supplement to the Code of Ordinances</b>	<b>[ X ] Resolution #7-2024 to Adopt an Ordinance to Adopt a Supplement to the Code of Ordinances</b> <b>[ X ] Ordinance to adopt a supplement to the code of ordinances</b> <b>[ X ] Supplement #18</b>	<b>[ X ]</b>  <b>[ X ]</b>  <b>[ X ]</b>
<b>Prepared by: Mindy J. Seavey, City Clerk</b>	<b>Approved by: Chad A. Gamble, P.E., City Manager</b>	

**SUMMARY/HIGHLIGHT:** In order to codify ordinances that have been adopted since the last supplement into our Code of Ordinances, the city commission needs to adopt an ordinance to adopt the supplement to the code of ordinances.

**BACKGROUND/DISCUSSION:** Our last supplement to the Code of Ordinances was S-17, and since that time the City Commission has adopted many ordinances and it is time for our annual supplement to the Code of Ordinances.

**STRATEGIC PLAN OBJECTIVE:** N/A

**FISCAL IMPACT:** Annually, the City budgets funds for re-codification. Funds are budgeted in account number 101-101-900.006.

**RECOMMENDATION:** *Staff recommends the City Commission adopt Resolution #7-2024 – Resolution to Adopt an Ordinance to Adopt a Supplement to the Code of Ordinances.*

**CITY OF ST. JOHNS**

**RESOLUTION TO ADOPT AN ORDINANCE TO ADOPT A SUPPLEMENT TO THE  
CODE OF ORDINANCES  
#7-2024**

At a regular meeting of the City Commission of the City of St. Johns, Clinton County, Michigan, held at the City Hall, February 26, 2024 at 6:00 p.m.

Present:

Absent:

The following resolution was offered by Commissioner \_\_\_\_ and supported by Commissioner \_\_\_\_.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 18<sup>th</sup> supplement to the Code of Ordinances of the City of St. Johns, which supplement contains all ordinances of a general and permanent nature enacted since the adoption of the 17<sup>th</sup> supplement to the Code of Ordinances of this Political Subdivision; and

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

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

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City adopt Ordinance No. \_\_\_\_, An Ordinance to Adopt a Supplement to the City Code of Ordinances.
2. To the extent that any resolution or portion of resolution is inconsistent with this Resolution, such resolutions or portions of resolutions are hereby rescinded.

ADOPTED:

YEAS:

NAYS:

STATE OF MICHIGAN     )  
  )ss  
COUNTY OF CLINTON     )

I, the undersigned, the duly qualified and acting Clerk of the City of St. Johns, Clinton County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Commission of said City at a regular meeting held on February 26, 2024.

---

Mindy Seavey, City Clerk

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO ADOPT A SUPPLEMENT TO THE CODE OF ORDINANCES**

**THE CITY OF ST. JOHNS ORDAINS:**

Section 1. The 18<sup>th</sup> supplement to the Code of Ordinances of the Political Subdivision as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the City Commission and the Clerk of the City of St. Johns is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety, and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

YEAS:

NAYS:

ABSTAIN:

ABSENT:

**CERTIFICATION**

As the City Clerk of the City of St. Johns, Clinton County, Michigan, I certify that this is a true and complete copy of an ordinance adopted by the St. Johns City Commission at a regular meeting held on February 26, 2024.

Scott Dzurka, Mayor

---

Mindy J. Seavey, Clerk

---

**ST. JOHNS, MICHIGAN**  
Instruction Sheet  
2023 S-18 Supplement

**REMOVE OLD PAGES**

Title Page

—

Officials Page

1, 2

1 through 8  
41 through 72B

9, 10

9 through 14

69 through 76F  
101, 102  
117, 118  
123, 124  
184E, 184F  
247, 248

13, 14

**ADOPTING ORDINANCE**

**TABLE OF CONTENTS**

**TITLE V: PUBLIC WORKS**

**TITLE VII: TRAFFIC CODE**

**TITLE IX: GENERAL REGULATIONS**

**TITLE XV: LAND USAGE**

**TABLE OF SPECIAL ORDINANCES**

**INSERT NEW PAGES**

Title Page

37, 38

Officials Page

1, 2

1 through 8  
41 through 72R

9, 10

9 through 14

69 through 76F  
101, 102  
117, 118  
123, 124  
184E through 184H  
247, 248

13, 14

**REMOVE OLD PAGES**

3, 4  
7 through 10  
17 through 28

**PARALLEL REFERENCES****INDEX**

3, 4  
9 through 16  
21 through 28

**INSERT NEW PAGES**

3, 4  
7 through 10  
17 through 28

3, 4  
9 through 16  
21 through 28

# **CITY OF ST. JOHNS, MICHIGAN**

## **CODE OF ORDINANCES**

2023 S-18 Supplement contains:

Local legislation current through Ordinance 682, passed 12-11-2023

Published by:

**AMERICAN LEGAL PUBLISHING**

525 Vine Street ♦ Suite 310 ♦ Cincinnati, Ohio 45202

1-800-445-5588 ♦ [www.amlegal.com](http://www.amlegal.com)

**COPYRIGHT © 2024**

**AMERICAN LEGAL PUBLISHING**



**ORDINANCE NO. 676**

**AN ORDINANCE TO ADOPT A SUPPLEMENT TO THE CODE OF ORDINANCES**

**THE CITY OF ST. JOHNS ORDAINS:**

Section 1. The 17th supplement to the Code of Ordinances of the Political Subdivision as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the City Commission and the Clerk of the City of St. Johns is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety, and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

YEAS: Hufnagel, Ruestman, Gurski, Dzurka, Hyzer

NAYS: None

ABSTAIN: None

ABSENT: None

**CERTIFICATION**

As the City Clerk of the City of St. Johns, Clinton County, Michigan, I certify that this is a true and complete copy of an ordinance adopted by the St. Johns City Commission at a regular meeting held on June 26, 2023.

Scott Dzurka, Mayor \_\_\_\_\_

Mindy J. Seavey, Clerk \_\_\_\_\_



## **OFFICIALS OF ST. JOHNS, MICHIGAN**

Scott Dzurka, Mayor

Brad Gurski, Vice Mayor

### **Commissioners**

Eric Hufnagel  
Jean Ruestman  
Chris Hyzer

Chad Gamble, PE, City Manager

Mindy J. Seavey, City Clerk

Kristina Kinde, City Treasurer/Deputy City Manager

Michael Homier, City Attorney

Brianna Hardaker, Assessor

Justin Smith, Director of Public Services

Jeremy Ritter, DPW Supervisor

Calvin Galecka, Water Supervisor

Jordan Whitford, Wastewater Supervisor

William Schafer, Recreation Director

David Kirk, Police Chief

Jordan Whitford, Fire Chief



**ST. JOHNS, MICHIGAN  
TABLE OF CONTENTS**

Chapter

**TITLE I: GENERAL PROVISIONS**

10. General Provisions

**TITLE III: ADMINISTRATION**

30. City Commission  
31. City Officials  
32. Departments, Boards and Commissions  
33. City Elections  
34. Special Assessment Procedure  
35. Finance and Taxation  
36. Municipal Civil Infractions  
37. Ethical Standards of Conduct

**TITLE V: PUBLIC WORKS**

50. Garbage, Trash, Recyclables and Yard Waste  
51. Water and Sewer Rates  
52. Water Utility  
53. Sewer Service  
54. Industrial Pretreatment  
55. Stormwater Ordinance

**TITLE VII: TRAFFIC CODE**

70. General Provisions  
71. Parking Violations  
72. Skateboards, Roller Blades, Roller Skates and the Like  
73. Bicycles  
74. Truck Traffic

**TITLE IX: GENERAL REGULATIONS**

90. Parks and Recreation  
91. Fire Prevention  
92. Animals

**TITLE IX: GENERAL REGULATIONS (Cont'd)**

- 93. Nuisances
- 94. Junk Automobiles
- 95. Streets and Sidewalks
- 96. Trees
- 97. Special Events
- 98. Hazardous Wastes

**TITLE XI: BUSINESS REGULATIONS**

- 110. Licensing Provisions
- 111. Alcoholic Beverages
- 112. Peddlers, Canvassers and Transient Merchants
- 113. Second Hand and Junk Dealers
- 114. Amusements
- 115. Taxicabs
- 116. Telecommunications Regulations
- 117. Utilities in Public Rights-of-Way
- 118. Recreational Marihuana Regulations
- 119. Rental Registration and Certification

**TITLE XIII: GENERAL OFFENSES**

- 130. General Provisions
- 131. Offenses Against Governmental Functions
- 132. Offenses Against the Person
- 133. Offenses Against Property
- 134. Offenses Against Public Peace
- 135. Offenses Against Public Safety
- 136. Offenses Against Public Morals
- 137. Offenses Pertaining to Schools
- 138. Minors
- 139. Offenses Pertaining to Drugs

## **TITLE V: PUBLIC WORKS**

### **Chapter**

**50. GARBAGE, TRASH, RECYCLABLES AND YARD  
WASTE**

**51. WATER AND SEWER RATES**

**52. WATER UTILITY**

**53. SEWER SERVICE**

**54. INDUSTRIAL PRETREATMENT**

**55. STORMWATER ORDINANCE**





## **CHAPTER 50: GARBAGE, TRASH, RECYCLABLES AND YARD WASTE**

### **Section**

- 50.01 Chapter title; introduction; purpose
- 50.02 Definitions
- 50.03 Collection of garbage/trash and recyclables
- 50.04 Collection supervised by Director of Public Services
- 50.05 Pre-collection practices
- 50.06 Collection practices
- 50.07 Collection of branches, limbs and leaves
- 50.08 Fees
  
- 50.99 Penalty

### **§ 50.01 CHAPTER TITLE; INTRODUCTION; PURPOSE.**

This chapter is newly titled as “Garbage, Recyclables and Yard Waste.” This chapter is enacted for the purpose of protecting the general health, safety, and welfare of the residents of the city by regulating the pick-up and disposal of garbage, recyclables and yard waste within the corporate limits of the city.

(Ord. 669, passed 5-9-2022)

### **§ 50.02 DEFINITIONS.**

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

***DIRECTOR OF PUBLIC SERVICES or DIRECTOR.*** The Director of Public Services of the city.

***GARBAGE.*** As the term is commonly used and understood, which includes, but is not limited to the following:

- (1) All kitchen waste, including cans, bottles, household food, accumulations of animal food or vegetable and other organic matter attendant to the preparation, use, cooking, serving and consumption of food;

(2) All other organic materials subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors which, after decay, could serve as breeding grounds for flies, insects or animals. **GARBAGE** does not include dead animals, human waste or animal manure.

(3) General household trash and refuse that cannot be recycled, including ashes, empty cartons, crates, boxes, wrapping materials, clothing, fabric and similar materials.

**RECYCLABLES.** Materials deemed suitable for recycling as determined by the waste hauler or licensed contractor utilized by the city for such services. Such materials typically include certain kinds of glass, plastics, cardboard and metals. Those materials that are considered recyclable can and will change from time to time dependent on market factors, contractual terms and related issues.

**RESIDENTIAL UNIT.** A house, apartment, mobile home or other legal dwelling place used for human habitation within the corporate limits of the city.

**RUBBISH.** Includes waste from construction or remodeling, concrete, rocks, sod, earth, automobile or truck parts, tires, manufacturing or trade waste accumulated by residential, commercial, individual or institutional uses and includes all other waste products not heretofore defined under this section. **RUBBISH** is a category separate from garbage and/or recyclables, and cannot be placed in garbage/trash or recycling bins or containers for curbside pick-up.

**TRASH.** Inorganic waste materials. Also, see definition of **GARBAGE** above.  
(Ord. 669, passed 5-9-2022)

#### § 50.03 COLLECTION OF GARBAGE/TRASH AND RECYCLABLES.

(A) All garbage, trash and recyclables from buildings with dwelling units not exceeding four in number accumulated in the city shall be collected, conveyed and disposed of only by a licensed contractor designated by the city.

(B) No other person, company or other entity shall collect or dispose of any materials governed by this chapter except in the manner as herein set forth or as otherwise authorized by the city.

(1) *Garbage/trash collection.* The collection of garbage/trash shall be confined to residential dwellings not exceeding four dwelling units. The city shall contract with one licensed hauler who shall exclusively collect these materials from the dwellings as defined by contract.

(2) *Recycling collection.* The collection of recyclable materials shall be confined to residential dwellings not exceeding four dwelling units. Recyclables will be placed in a container specifically designated for recycling and provided by the licensed contractor. Only those materials designated as suitable for recycling by the licensed contractor can be placed in said container.

(3) *Other garbage, trash and recyclable collection.* This chapter shall not prohibit licensed haulers from collecting refuse and rubbish from dwelling or other living units in excess of four units or from trailer parks, commercial, industrial or institutional businesses, provided that such disposal of these materials is in an approved sanitary landfill and does not violate the provisions of this chapter and the regulations issued hereunder.

(Ord. 669, passed 5-9-2022) Penalty, see § 50.99

#### **§ 50.04 COLLECTION SUPERVISED BY DIRECTOR OF PUBLIC SERVICES.**

All materials governed by this chapter and disposed of by a licensed contractor under contract with the city shall come under the general supervision of the Director of Public Services. The Director shall have the authority to make additional regulations concerning the days of collection, type and location of garbage/trash/recyclable containers and such other matters pertaining to the collection, conveyance and disposal as they shall find necessary. The Director of Public Services may change and modify regulations after public notice in a legal newspaper, provided that such regulations are not contrary to the provisions of this chapter. Any person who wishes to object to any regulation of the Director made under this section shall have the right to appeal to the City Manager, who shall have the authority to confirm, modify or revoke any such rule or regulation.

(Ord. 669, passed 5-9-2022)

#### **§ 50.05 PRE-COLLECTION PRACTICES.**

(A) *Preparation of garbage/trash.* All materials under this subsection shall be placed in the appropriate curbside container provided either by the city or the licensed contractor. All garbage/trash, before placed in such containers, shall have drained from it all free liquids. Tree trimmings, hedge and clippings, branches and leaves, or similar material shall not be placed in garbage/trash containers.

(B) *Recyclables.* Those materials deemed as suitable for recycling as determined by the city or licensed contractor shall be placed in the recycling container provided for such purpose. Recyclables shall be rinsed out or otherwise cleaned before placement in the recycling container.

(C) *Storing of garbage and recycling containers before collection day.* Garbage and recycling bins or containers shall be stored in a closed area such as a garage or shed. Alternatively, if stored in the open, said bins or containers must be stored immediately adjacent to principal or accessory structure.

(D) *Unauthorized storing of garbage, trash and recycling materials.*

(1) *Public places.* No person shall store any garbage, trash, recycling materials, refuse or rubbish in any street, alley or other public place.

(2) *Unauthorized accumulation.* Any unauthorized accumulation of any type of material governed by this chapter on any premises shall be declared a nuisance and is prohibited per Chapter 93.

(3) *Scattering of garbage, trash and/or recyclables.* No person shall throw out, place, sweep or deposit anywhere within the city materials governed by this chapter in such manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place or in any occupied premises within the city.

(E) *Points of collection.* In all areas of the city not served by public alleys, refuse containers shall be placed for collection at ground level between the front curb and the sidewalk of dwelling units, and where there is no curb or sidewalk, then at the front property line of the residential unit.

(1) Refuse containers shall not be placed on the traveled portion of the street or highway so as to interfere with vehicular or pedestrian traffic, or to hinder snow-plowing.

(2) Refuse containers shall be placed for collection no later than 7:00 a.m. on the day of collection. Residents may place the containers for collection up to 24 hours in advance and must remove them within 24 hours after collection.

(Ord. 669, passed 5-9-2022) Penalty, see § 50.99

## **§ 50.06 COLLECTION PRACTICES.**

### *(A) Frequency of collection.*

(1) *Residential.* Garbage/trash accumulated by residential dwelling units as herein defined shall be collected at least once each week. Recyclable collection shall be collected at least every other week, or as determined by the licensed contractor.

(2) *Commercial.* Hotels, restaurants, institutions and such other places as deem it necessary may enter into an agreement for a greater frequency of collection. Where necessary to protect the public health, the Director shall have the authority to require that more frequent collections be made.

(B) *Limits on quantity.* Refuse collection for dwelling units as herein defined shall be unlimited and the property owner may present for disposal as many containers, not exceeding the size hereinbefore described, as may be necessary for the disposal of household refuse.

### *(C) Special refuse and rubbish problems.*

(1) *Contagious disease.* The removal of clothing, bedding, or other refuse or rubbish from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the County Health Officer. Such refuse and rubbish shall not be placed in garbage or recycling containers for regular collections.

(2) *Inflammables or explosives.* Highly inflammable or explosive materials shall not be placed in containers for regular collection, but shall be disposed of as directed by the Director at the expense of the owner or possessor thereof.

(D) *Requirements of collectors.* The actual producers of refuse or the owner of the premises upon which refuse is accumulated, who desire personally to collect and dispose of such refuse, and the collectors of refuse from outside the city and who are licensed by the city, who desire to haul over the streets of the city, shall use a watertight vehicle, provided with a tight cover as approved by the Director, and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled. The Director shall have the authority to make such other reasonable regulations concerning individual collection and disposal relating to the hauling of rubbish by licensed haulers, as he or she shall find necessary, subject to the right of appeal, as set forth in § 50.04.

(E) *Refuse property of the city.* Ownership of refuse material set out for collection and collected by a duly licensed hauler approved by the city shall be vested in the city.  
(Ord. 669, passed 5-9-2022) Penalty, see § 50.99

#### **§ 50.07 COLLECTION OF BRANCHES, LIMBS AND LEAVES.**

The city has an established schedule for the curbside pick-up of branches, limbs and leaves. Residents are prohibited from placing large accumulations of cut-down trees, tree trunks, limbs and branches that are the residue of a cut-down or removed tree. Only dead or pruned tree material will be picked up from the curb pursuant to the established schedule. Loose leaves placed curbside (not in the public street) are picked up by the city during the fall season with city-owned equipment. The leaf pick-up schedule is weather-dependent.

(Ord. 669, passed 5-9-2022) Penalty, see § 50.99

#### **§ 50.08 FEES.**

(A) *Residential.* The fees for collection and disposal of refuse from dwelling units, as herein before defined, shall be set by the City Commission, based on its contract with a licensed hauler and subject to such increases or decreases as established by the City Commission from time to time as set out in the city's Fee & Rate Schedule.

(B) *Nonresidential.* For the collection and disposal of refuse and rubbish not otherwise provided for herein, the property owner may make such agreement with a licensed hauler as deemed to its best advantage.

(C) *Payment.* For all residential dwelling units, as defined herein, the city shall levy an annual service collection fee, which shall be due and payable on July 1 of the city's fiscal year, in advance, and not later than August 31 of said fiscal year. Payment shall be the obligation of the property owner, as shown by the tax rolls of the city, shall be included in the property tax statement, and if unpaid, shall become a lien against the property. If not paid on or before August 31, service to the property shall be terminated and no further collections shall be made from said premises. Any property owner failing to pay within the time above set forth shall not be granted further service in the collection and disposal of

refuse until the amount is paid, together with a reinstatement charge as set out in the city's Fee & Rate Schedule.

(D) *Legal remedy*. The stoppage of service hereinbefore authorized for nonpayment of collection charges shall be in addition to the right of the city to proceed for the collection of such unpaid charges in a manner provided by law for the collection of a municipal claim.

(Ord. 669, passed 5-9-2022) Penalty, see § 50.99

#### **§ 50.99 PENALTY.**

A violation of this chapter is deemed a municipal civil infraction and can be prosecuted and enforced consistent with Chapter 36.

(Ord. 669, passed 5-9-2022)

## CHAPTER 54: INDUSTRIAL PRETREATMENT

### Section

#### *General Provisions*

- 54.01 Purpose and policy
- 54.02 Definitions
- 54.03 Abbreviations

#### *Fees*

- 54.20 Purpose
- 54.21 Charges and fees
- 54.22 Identify and locate industrial users
- 54.23 Identify characteristics and volume of pollutants
- 54.24 Surcharges

#### *Regulations*

- 54.35 General discharge prohibitions
- 54.36 National categorical pretreatment standards
- 54.37 Modification of national categorical pretreatment standards
- 54.38 Specific pollutant limitations
- 54.39 State requirements
- 54.40 City's right of revision
- 54.41 Dilution prohibited as substitute for treatment
- 54.42 Accidental discharges
- 54.43 Mercury reduction plan (MRP)

#### *Administration*

- 54.55 Wastewater discharges
- 54.56 Wastewater discharge permits
- 54.57 Contributing municipality
- 54.58 Reporting requirements for permittee
- 54.59 Monitoring facilities
- 54.60 Inspection and sampling

- 54.61 Receive and analyze self-monitoring reports
- 54.62 Investigation of instances of noncompliance
- 54.63 Notice of violation/repeat sampling and reporting
- 54.64 Pretreatment
- 54.65 Confidential information
- 54.66 Record keeping requirements

### *Enforcement*

- 54.75 Harmful contributions
- 54.76 Revocation of permit
- 54.77 Notification of violation
- 54.78 Show cause hearing
- 54.79 Consent orders
- 54.80 Compliance orders
- 54.81 Cease and desist orders
- 54.82 Judicial proceedings
- 54.83 Right of appeal
- 54.84 Affirmative defenses
- 54.85 Bypass
- 54.86 Operating upsets
- 54.87 Net/gross calculation
- 54.88 Recovery of costs incurred by the city

- 54.99 Penalty

Appendix 1: Standard Ordinance Limits and Surcharges for Discharges of Certain Pollutants

Appendix 2: MAIL Limits

## **GENERAL PROVISIONS**

### **§ 54.01 PURPOSE AND POLICY.**

(A) This chapter sets forth requirements for contributors into the wastewater collection and treatment systems for the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977, 33 USC 1251 *et seq.*; the General Pretreatment Regulations (40 C.F.R. Part 403); Part 31 of Act 451 of Public Acts of Michigan of 1994, M.C.L.A. §§ 324.3101 *et seq.*, as amended (“Water Resources Protection”); and the rules, Michigan Administrative Code, R 323.2301 *et seq.*, as amended, promulgated pursuant to §§ 3103, 3106 and 3109 of Part 31 of Act 451 of the Public Acts of Michigan of 1994, as amended.

(B) The objectives of this chapter are:



(1) To prevent the introduction of pollutants into the city wastewater system which will interfere with the normal operation of the system, cause pass through, or contaminate the resulting municipal sludge;

(2) To prevent the introduction of pollutants into the city wastewater system which do not receive adequate treatment in the POTW and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system; and

(3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system.

(C) This chapter provides for the regulation of contributors to the city wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers' capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(D) This chapter shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the city POTW. This chapter is a supplement to Chapters 51 and 53, as amended. Except as otherwise provided herein, the Supervisor, or its duly authorized representative, shall administer, implement, and enforce the provisions of this chapter.

(Ord. 677, passed 8-28-2023)

## § 54.02 DEFINITIONS.

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

**ACCIDENTAL DISCHARGE.** The accidental discharge of toxic substances or prohibited pollutants in amounts which the city determines may interfere with the operation of the POTW.

**ACT or THE ACT.** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§ 1251 *et seq.*

**AFFIRMATIVE DEFENSE.** In the context of an enforcement proceeding, a response or defense put forward by a defendant, regarding which the defendant has the burden of proof, and the merits of which are independently and objectively evaluated in a judicial or administrative proceeding.

**APPROVAL AUTHORITY.** The Michigan Department of Environment, Great Lakes, and Energy ("EGLE") or its successor state department, or the United States Environmental Protection Agency.

**AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER.** An authorized representative of an industrial user may be:

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

(2) A general partner or sole proprietor if the industrial user is a partnership or sole proprietorship, respectively;

(3) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales for expenditures exceeding \$25,000,000, in second-quarter 1980 dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(4) The individuals described in divisions (1) through (3) above may designate a ***DULY AUTHORIZED REPRESENTATIVE*** if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

***BIOCHEMICAL OXYGEN DEMAND (BOD).*** The quality of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20°C expressed in terms of weight and concentration (milligrams per liter (mg/l)).

***BUILDING SEWER.*** A sewer conveying wastewater from the premises of a user to the POTW.

***CATEGORICAL INDUSTRIAL USER.*** An industrial user subject to a categorical pretreatment standard or categorical standard.

***CITY.*** The City of St. Johns or the City Commission of St. Johns.

***COMBINED WASTESTREAM FORMULA.*** A formula applied where regulated, unregulated and/or dilution wastestreams are combined/mixed prior to pretreatment.

***COMMERCIAL USER.*** All nondomestic sources of discharge other than industrial users, as defined herein, including, but not limited to the following: a publicly or privately owned facility where persons are engaged in the exchange or sale of goods or services, hospitals, retail establishments, schools and facilities operated by local and state governments.

***CONTROL AUTHORITY.*** The City of St. Johns or the Supervisor, as defined herein.

***COOLING WATER.*** The water discharged from any use, such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.

***DAILY MAXIMUM.*** The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

**DAILY MAXIMUM LIMIT.** The maximum allowable discharge limit of a pollutant during a calendar day. Where **DAILY MAXIMUM LIMITS** are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where **DAILY MAXIMUM LIMITS** are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

**DOMESTIC SOURCE.** A source whose waste normally emanates from residential living units and results from the day-to-day activities usually considered to be carried on in a domicile.

**EGLE.** The Michigan Department of Environment, Great Lakes and Energy.

**ENVIRONMENTAL PROTECTION AGENCY or EPA.** The U.S. Environmental Protection Agency.

**GRAB SAMPLE.** A single sample collected at a particular time and place which represents the composition of the waste stream only at that time and place.

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

**INDUSTRIAL USER.** A source of discharge under regulations issued pursuant to § 402 of the Act (33 U.S.C. § 1342), which source originates from, but is not limited to, facilities engaged in industry, manufacturing, business, trade or research, including the development, recovery or processing of natural resources.

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

**INDUSTRIAL WASTE SURVEY.** A survey of all companies that discharge to the POTW. The survey identifies the magnitude of the wastewater flows and pollutants in accordance with 40 C.F.R. § 403.8.(f)(2).

**INTERFERENCE.** The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with § 405 of the Act (33 U.S.C. § 1345), or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria applicable to the method of disposal or use employed by the POTW.

**LOCAL LIMIT.** Specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 C.F.R. § 403.5(a)(1) and (b).

**MONTHLY AVERAGE.** The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

**MONTHLY AVERAGE LIMIT.** The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

**NATIONAL CATEGORICAL PRETREATMENT STANDARD** or **PRETREATMENT STANDARD.** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307(b) and (c) of the Act (33 U.S.C. § 1317) which applies to a specific category of industrial user.

**NATIONAL PROHIBITIVE DISCHARGE STANDARD** or **PROHIBITIVE DISCHARGE STANDARD.** Any regulation developed under the authority of § 307(b) of the Act (33 U.S.C. § 1317) and 40 C.F.R. § 403.5.

**NEW SOURCE.**

(1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under § 307(c) of the Act which will be applicable to such source, if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a **NEW SOURCE** if the construction does not create a new building, structure, facility, or installation meeting the criteria of divisions (1)(b) or (1)(c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a **NEW SOURCE** as defined under this definition has commenced if the owner or operator has:

(a) Begun or caused to begin as part of a continuous onsite construction program:

1. Any placement, assembly, or installation of facilities or equipment; or
2. Significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM or NPDES PERMIT.** A permit issued pursuant to § 402 of the Act (33 U.S.C. § 1342).

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

**PERSON.** Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

**pH.** The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

**POLLUTANT.** Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water. **POLLUTANT** does not mean (1) sewage from vessels or (2), water, gas or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well, used either to facilitate production or for disposal purposes, is approved by authority of the state in which the well is located, and if such state determines that such injection or disposal will not result in degradation of ground or surface water.

**POLLUTION.** The impairment (reduction) of water quality by agricultural, domestic, or industrial wastes (including thermal and radioactive wastes) to a degree that the natural water quality is changed to hinder any beneficial use of the water.

**POTW TREATMENT PLANT.** That portion of the POTW designed to provide treatment to wastewater.

**PRETREATMENT or TREATMENT.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by 40 C.F.R. § 403.6(d).

**PRETREATMENT REQUIREMENTS.** Any substantive or procedural requirements related to pretreatment, other than a national pretreatment standard imposed on a user.

**PRETREATMENT STANDARDS or STANDARDS.** Prohibited discharge standards, categorical pretreatment standards, and local limits.

**PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGE.** Absolute prohibitions against the discharge of certain substances.

**PUBLICLY OWNED TREATMENT WORKS (POTW).** A treatment works as defined by § 212 of the Act (33 U.S.C. § 1292). This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, **POTW** shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the POTW.

**RESOURCE CONSERVATION AND RECOVERY ACT (RCRA).** Dated October 21, 1976, Pub. L. No. 94580 (42 U.S.C. §§ 6901 *et seq.*) provides technical and financial assistance for the development of plans and facilities for recovery of energy and resources from discarded materials and for the safe disposal of discarded materials and hazardous waste.

**SIGNIFICANT NONCOMPLIANCE.** One or more of the following by any significant industrial user:

(1) **CHRONIC VIOLATIONS OF WASTEWATER DISCHARGE LIMITS**, defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, as defined or referred to in § 54.38;

(2) **TECHNICAL REVIEW CRITERIA (TRC) VIOLATIONS**, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement, as defined or referred to in § 54.38 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined or referred to in § 54.38 (e.g., daily maximum, long-term average or narrative standard) that the Supervisor determines has caused, alone or in combination with, other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Supervisor's exercise of its emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or local permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s), which may include a violation of Best Management Practices, which the Supervisor determines will adversely affect the operation or implementation of the local pretreatment program.

***SIGNIFICANT INDUSTRIAL USER.***

(1) Except as provided in division (2) of this definition:

(a) All industrial users subject to categorical pretreatment standards under the Code of Federal Regulations, 40 C.F.R. § 403.6 and 40 C.F.R. Chapter I, Subchapter N; or

(b) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 C.F.R. § 403.8(f)(6)).

(2) Upon a finding that an industrial user meeting the criteria in division (1)(b) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standards or requirement, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 C.F.R. § 403.8(f)(6), determine that such industrial user is not a ***SIGNIFICANT INDUSTRIAL USER***.

***SPECIAL ALTERNATIVE LIMIT (SAL).*** User-specific maximum limits may be set for specific pollutants. ***SALs*** are developed in accordance with the POTW's Industrial Pretreatment Program and § 54.38(D).

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

**STORM SEWER.** A separate pipe, conduit or open channel (sewer) that carries runoff from storms, surface drainage, and street wash, but does not include industrial or domestic wastes.

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

**SUPERVISOR.** The person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his or her duly authorized representative.

**SURCHARGE.** The additional charges made by the city for the treatment of wastewater containing pollutants in excess of specified concentrations, loadings or other applicable limits, or for other purposes specified in this chapter.

**SUSPENDED SOLIDS.** The total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids and which is removable by laboratory filtering.

**TOXIC POLLUTANT.** Those pollutants or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly through food chains, will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring.

**UPSET.** An exceptional incident in which there is unintentional and temporary noncompliance with standards because of factors beyond the reasonable control of the user. An **UPSET** does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

**USER.** Any person who contributes, causes or permits the contribution of wastewater into city's POTW.

**WASTEWATER.** The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

**WATERS OF THE STATE.** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.  
(Ord. 677, passed 8-28-2023)



**§ 54.03 ABBREVIATIONS.**

The following abbreviations shall have the designated meanings:

BOD	Biochemical oxygen demand
C.F.R.	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	Environmental Protection Agency
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National pollutant discharge elimination system
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard industrial classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. §§ 6901 <i>et seq.</i>
U.S.C.	United States Code
TSS	Total suspended solids

(Ord. 677, passed 8-28-2023)

***FEES*****§ 54.20 PURPOSE.**

It is the purpose of this subchapter to provide for the recovery of costs from users of the city's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth within the city's schedule of charges and fees.

(Ord. 677, passed 8-28-2023)

**§ 54.21 CHARGES AND FEES.**

(A) The city may adopt charges and fees which may include:

(1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;

(2) Fees for monitoring, inspections and surveillance procedures, including the costs of collection and analyzing a user's discharge, and reviewing monitoring reports and certification statements submitted by users;

(3) Fees for reviewing accidental discharge procedures and construction;

(4) Fees for filing appeals;

(5) Fees for development, administration and permit applications including the cost of processing such applications;

(6) Fees to recover administrative and legal costs (not included in division (A)(2) above) associated with the enforcement activity taken by the Supervisor to address user noncompliance;

(7) Surcharges as set forth in § 54.24; and

(8) Other fees as the city may deem necessary to carry out the requirements contained herein.

(B) These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the city.

(Ord. 677, passed 8-28-2023)

**§ 54.22 IDENTIFY AND LOCATE INDUSTRIAL USERS.**

The city shall under the direction of the Supervisor identify and locate all possible industrial users which might be subject to the city's pretreatment program as is stated in 40 C.F.R. § 403.8.F.2(i).

(Ord. 677, passed 8-28-2023)

**§ 54.23 IDENTIFY CHARACTERISTICS AND VOLUME OF POLLUTANTS.**

The city shall under the direction of the Supervisor identify the character and volume of pollutants contributed to the POTW by the industrial users identified in 40 C.F.R. § 403.8.(f)(2)(i) as is stated in 40 C.F.R. § 403.8.(f)(2)(ii). The city shall under the direction of the Supervisor require users to periodically update the city with the character and volume of pollutants contributed to the POTW.

(Ord. 677, passed 8-28-2023)

**§ 54.24 SURCHARGES.**

(A) Surcharges are intended to reimburse the city for all costs incurred by the POTW in handling or treating a discharge that contains pollutants in excess of specified surcharge concentrations, loadings or other applicable limits. These costs may include, but are not limited to, the actual cost of treatment including chemical, equipment, and personnel costs.

(B) Any user exceeding applicable surcharge limitations or other applicable limits shall be subject to the imposition of one or more surcharges as provided by this section to reimburse the POTW for any costs or expenses, direct or indirect, the POTW may incur in handling or treating the discharge, or which may be imposed upon the city, where the exceedance of applicable limits causes or contributes to those costs or expenses.

(C) The city may establish surcharge thresholds and rates for BOD, TSS, phosphorous, ammonia nitrogen and any other pollutant parameter for which a surcharge determined appropriate by the Supervisor. These thresholds and rates shall be established, reviewed, calculated, and/or determined from time to time, as determined appropriate by the city.

(D) All violations of applicable discharge prohibitions and limitations and all instances of noncompliance with applicable discharge requirements shall constitute a violation of this chapter, subject to applicable fines, penalties and other enforcement actions provided by this chapter. In no event shall the imposition of a surcharge for a discharge that does not meet the applicable prohibitions, limitations or requirements be construed as authorizing the illegal discharge or otherwise excuse a violation of this chapter.

(Ord. 677, passed 8-28-2023) Penalty, see § 54.99

***REGULATIONS*****§ 54.35 GENERAL DISCHARGE PROHIBITIONS.**

(A) No user shall contribute or cause to be contributed any pollutant or wastewater which will interfere with the operation or performance of the POTW or cause pass through. These general prohibitions apply to all such users of the POTW whether or not the user is subject to other national pretreatment standards or any national, state, or local pretreatment requirements. A user may not contribute the following substances to the POTW:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW, including but not limited to wastestreams with a closed cup flashpoint of less than 140° F or 60° C using test methods specified in 40 C.F.R. § 261.21. At no time shall two successive readings on an explosion hazard meter, at the point

of discharge into the system (or any point in the system), be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimensions, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(3) Any wastewater having a pH less than 6.0 or greater than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to § 307(a) of the Act.

(5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(6) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under § 405 of the Act, any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(7) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(8) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in quantity that may cause acute worker health and safety problems.

(9) Trucked or hauled pollutants, except at discharge points designated by the Supervisor.

(10) Any substance which will cause the POTW to violate its NPDES and/or state permit or the receiving water quality standards.

(11) Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye wastes and vegetable tanning solutions.

(12) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F).

(13) Any pollutants, including oxygen demanding pollutants (BOD and the like), released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain a concentration of quantities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24-hour concentration, quantities, or flow during normal operation. In no case shall a flow be released which restricts the hydraulic capacity of sewer structures.

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

(15) Any wastewater which causes a hazard to human life or creates a public nuisance.

(B) When the Supervisor determines that a user is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW or cause pass through, the Supervisor shall:

(1) Advise the user of the impact of the contribution on the POTW; and

(2) Develop effluent limitations for such user to correct the interference with the POTW and/or pass through.

(Ord. 677, passed 8-28-2023) Penalty, see § 54.99

#### **§ 54.36 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.**

(A) Deadline for compliance with categorical standards by existing sources with categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 C.F.R. Chapter I, Subchapter N, Parts 405-471. Direct dischargers with NPDES permits modified or reissued to provide a variance pursuant to § 301(i)(2) of the Act, being 33 U.S.C. § 1311, shall be required to meet compliance dates set in any applicable categorical pretreatment standard. Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of a new source as defined in 40 C.F.R. § 403.3(k).

New sources shall install and have in operating condition and shall “start-up” all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards.

(B) Upon the promulgation of the national categorical pretreatment standards for a particular industrial subcategory, the national standard, if more stringent than limitations imposed under this chapter for sources in the subcategory, shall immediately supersede the limitations imposed under this chapter. The Supervisor shall notify all affected users of the applicable pretreatment standards.

(C) When wastewater subject to a national categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Supervisor shall impose an alternate limit using the combined wastestream formula in 40 C.F.R. § 403.6(e).  
(Ord. 677, passed 8-28-2023) Penalty, see § 54.99

#### **§ 54.37 MODIFICATION OF NATIONAL CATEGORICAL PRETREATMENT STANDARDS.**

The city may apply to the approval authority for modification of specific limits in the national pretreatment standards, as set forth in § 403.7 of 40 C.F.R. Part 403 “General Pretreatment Regulations for Existing and New Sources of Pollution” promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the national pretreatment standards if the requirements contained in 40 C.F.R. § 403.7 are fulfilled and prior approval from the approval authority is obtained.  
(Ord. 677, passed 8-28-2023)

#### **§ 54.38 SPECIFIC POLLUTANT LIMITATIONS.**

(A) *Limitations for selected materials.* Users who fall into categories for which national categorical pretreatment standards have been established shall comply with these standards. More stringent standards may be applied by the city where necessary to achieve the goals of the city’s pretreatment program.

(B) *Concentration and mass limits.*

(1) Pollutant discharge limits in categorical pretreatment standards will be expressed either as concentration or mass limits. Wherever possible, where concentration limits are specified in standards, equivalent mass limits will be provided so that local, state, or national authorities responsible for enforcement may use either concentration or mass limits. Limits in categorical pretreatment standards shall apply to the effluent of the process regulated by the standard or as otherwise specified by the standard.

(2) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the control authority may convert the limits to equivalent limitations

expressed either as mass of pollutant discharged per day or effluent concentration for purpose of calculating effluent limitations applicable to individual industrial users.

(3) The control authority calculating equivalent mass-per-day limitations under division (B)(2) of this section shall calculate such limitations by multiplying the limits in the standard by the industrial user's average rate of production. This average rate of production shall be based not upon the designed production capacity but rather upon a reasonable measure of the industrial users actual long-term daily production, such as the average daily production during a representative year. For new sources, actual production shall be estimated using projected production.

(4) The control authority calculating equivalent concentration limitations under division (B)(2) of this section shall calculate such limitations by dividing the mass limitations derived under division (B)(3) of this section by the average daily flow rate of the industrial user's regulated process wastewater. This average daily flow rate shall be based upon a reasonable measure of the industrial user's actual long-term average flow rate, such as the average daily flow rate during the representative year.

(5) Equivalent limitations calculated in accordance with this section shall be deemed pretreatment standards for the purposes of § 307(d) of the Act and this subchapter. Industrial users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived. The control authority must document how the equivalent limits were derived and make this information publicly available.

(6) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average or four day average limitations. Where such standards are being applied, the same production of flow figure shall be used in calculating both types of equivalent limitations.

(7) Any industrial user operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the control authority within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the control authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long-term average production rate.

(C) *Limitations for compatible pollutants and other constituents.* Standard ordinance limits for discharge of compatible pollutants and other constituents are set forth and incorporated hereto in Appendix 1 following this chapter; and, MAIL limits for compatible pollutants and other constituents are set forth and incorporated hereto in Appendix 2 following this chapter.

(D) *Special alternative limits (SALs).* For any discharge that would otherwise be prohibited by this section of this chapter, above, the city POTW may impose one or more SALs for all or any portion of the discharge (or for all or any pollutant parameter thereof) pursuant to a user permit or by POTW order. Each SAL must be approved in advance by the Supervisor. The following conditions and requirements shall apply to all SALs:

(1) The city POTW shall not be required to approve or require a SAL, but may do so at its sole discretion. The city may terminate or modify the SAL, and/or require compliance with different or additional discharge standards or requirements as determined necessary or appropriate at any time.

(2) A SAL shall not create any property rights or privilege of any kind whatsoever, nor shall it be construed to authorize any injury to private or public property or any invasion of personal rights, nor any violation of local, state or federal laws or regulations.

(3) A SAL may include any terms, conditions or requirements determined necessary and appropriate by the Supervisor, including, but not limited to, terms, conditions and requirements regarding sampling, analysis, fees, reimbursement, surety, indemnification, and insurance.

(4) The Supervisor shall establish each SAL based on an allocation of the amount of remaining available loadings from the city POTW's maximum allowable industrial loading (MAIL) for a given pollutant at the time when the SAL is approved and assigned. Each SAL may also be subject to a maximum (not-to-exceed) concentration as determined necessary by the city POTW to protect the receiving sewer, the city POTW, public health and safety, the environment, or to otherwise achieve the purposes, objectives, and requirements of this chapter. The MAILs for pollutants of concern are set forth in Appendix 2. All SAL allocations shall be in the amounts, and subject to the terms, conditions, and requirements, as deemed necessary and appropriate by the Supervisor.

(5) Violation of any SAL (or of any of the terms, conditions or requirements of a SAL) shall be a violation of this chapter and subject to applicable fines, penalties, and other enforcement actions.

(6) The total mass of a pollutant of concern allocated to trucked wastes and all other nondomestic users (specifically excluding domestic/background sewage, septage wastes, and all other domestic users) shall not exceed the MAILs as set forth in Appendix 2 in the aggregate when taking into account all SALs that have been assigned by the Supervisor and considered to be active at the time.

(7) SALs shall not exceed national standards applicable to categorical industries, nor any other local, state, or national standards and requirements.

(8) The following constituents are not eligible for a SAL: FOG Nonpolar, FOG Total, Mercury, Cis-1,2-Dichloroethylene, Trans - 1,2-Dichloroethylene, Trichloroethylene, Cyanide Available and Vinyl Chloride.

(9) *Local initiative limits.* The Supervisor may, in a wastewater discharge permit or an order, impose a local initiative limit ("LIL") for any pollutant not specifically regulated in § 54.38. In determining a LIL (concentration or mass), the Supervisor shall consider the acceptable discharge level of the pollutant based on current influent loading, treatment plant design, treatability, potential for pass through or interference, potential for fire/explosion or fume toxicity, potential for adverse impact to the collection system, and other factors deemed relevant by the Supervisor. A LIL shall be subject to EGLE, or its successor state department, review and approval before implementation.

(Ord. 677, passed 8-28-2023) Penalty, see § 54.99



**§ 54.39 STATE REQUIREMENTS.**

State requirements and limitations on discharges shall apply in any case where they are more stringent than national requirements and limitation or those in this chapter.

(Ord. 677, passed 8-28-2023)

**§ 54.40 CITY'S RIGHT OF REVISION.**

The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 54.01. Individual permits may specify more stringent requirements or limitations than those set forth in this chapter when, in the opinion of the Supervisor, such requirements or limitations are necessary to prevent pass through or interference with the operation or performance of the POTW.

(Ord. 677, passed 8-28-2023)

**§ 54.41 DILUTION PROHIBITED AS SUBSTITUTE FOR TREATMENT.**

Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement or in any other pollutant specific limitation developed by the city or state. The control authority (as defined in 40 C.F.R. § 403.12(a)) may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations is appropriate.

(Ord. 677, passed 8-28-2023)

**§ 54.42 ACCIDENTAL DISCHARGES.**

(A) Significant industrial users and all industrial/commercial users with the potential to discharge toxic substances or prohibited pollutants in amounts which the city determines may cause pass through or interfere with the operation of the POTW shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Upon request by the city, detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review. Review of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter.

(B) In case of all discharges that could cause pass through or problems to the POTW, including slug loadings, it is the responsibility of all categorical and noncategorical industrial users to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions.

(C) Within five days following an accidental discharge, unless waived by the Supervisor, the user shall submit to the Supervisor a detailed report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of pass through or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

(D) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall ensure that all employees who may cause or discover such a discharge are advised of the emergency notification procedure.

(E) Significant industrial users are required to notify the Supervisor immediately of any changes at its facility affecting the potential for a slug discharge.

(F) The Supervisor shall evaluate whether each significant industrial user needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The Supervisor may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the Supervisor may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the Supervisor of any accidental or slug discharge;

and

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(Ord. 677, passed 8-28-2023) Penalty, see § 54.99

#### **§ 54.43 MERCURY REDUCTION PLAN (MRP).**

(A) The local discharge limitation for mercury discharged into the city sewage treatment plant (STP) is established at the level of detection (LOD) as set out in § 54.38(D). Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with

EPA Methods 245.1 and 1631. The LOD, developed in accordance with the procedure specified in 40 C.F.R. 136 shall not exceed 0.2 ug/L for mercury, unless higher levels are appropriate due to matrix interference(s).

(B) The evaluation of potential matrix interference(s) shall include, at a minimum, the following:

- (1) A demonstration that the laboratory conducting the analysis is capable of achieving the LOD of 0.2 ug/L in reagent water;
- (2) A demonstration that the LOD of 0.2 ug/L cannot be achieved in the effluent; and
- (3) A demonstration that an attempt has been made to resolve the matrix interferences.

(C) In cases where true matrix interference can be demonstrated, a discharge-specific LOD will be developed in accordance with the procedure in 40 C.F.R. 136. Discharge-specific LODs will be incorporated into the wastewater discharge permit of the nondomestic user.

(D) *Mercury reduction plan.* To ensure that the maximum allowable mercury loading to the sewage treatment plant (STP) is not exceeded, the city may require any nondomestic user with a reasonable potential to discharge mercury to develop, submit for approval and implement a mercury reduction plan (MRP). The MRP may be required by permit even if the nondomestic user has not violated the local limit for mercury, but the city has determined that a reasonable potential for such a violation may exist. An MRP may be required in notices of violations, orders or other enforcement actions when the nondomestic user has violated the mercury local limit. At a minimum, an approved MRP shall contain the following:

- (1) A written commitment by the user to reduce all nondomestic discharges of mercury to levels below the established level of detection (LOD) (0.2 ug/L) within three years of the MRP's original approval date;
- (2) Within 60 days of notification by the city that a MRP is required, the user shall supply an initial identification of all potential sources of mercury which could be discharged to the sanitary sewer system;
- (3) Specific strategies for mercury reduction with reasonable timeframes for implementation, capable of ensuring that mercury discharges will be below the specified LOD within three years;
- (4) A program for quarterly sampling and analysis of the nondomestic discharge for mercury in accordance with EPA Methods 245.1 and 1631;
- (5) A demonstration of specific, measurable and/or otherwise quantifiable mercury reductions consistent with the goal of reducing mercury discharges below the specified LOD. Where such reductions cannot be demonstrated through normal effluent monitoring (e.g., mercury discharges are already near LOD) the demonstration should incorporate the following:

(a) Internal process monitoring, documenting the results of mercury reduction strategies at sampling locations within the facility (e.g., a program of regular monitoring of sink traps where mercury containing reagents had previously been disposed, but have since been substituted by non-mercury containing compounds);

(b) Internal and/or effluent sampling utilizing clean sampling and analytical methods as referenced by EPA Federal Register. Note that the results of such monitoring will not be used for compliance purposes unless performed in accordance with EPA Method 245.1 and collected at the appropriate compliance measurement location;

(c) Loading calculations wherein the nondomestic user calculates the total mass of mercury reduced from the sanitary sewer discharge through reagent substitutions, changes in disposal practices and/or other approved MRP strategies implemented.

(6) A semi-annual report on the status of the mercury reduction efforts. At a minimum, these reports shall:

(a) Identify compliance or noncompliance with specific reduction commitments in the MRP;

(b) Summarize the analytical, mass-based or other quantifiable demonstrations of mercury reductions performed to date;

(c) Provide all applicable analytical data;

(d) Provide an evaluation of the effectiveness of actions taken to date;

(e) Provide updates to the initial list of mercury containing compounds discharged to the sanitary sewer; and

(f) Propose for approval new strategies and/or modifications to the current MRP to continue and improve mercury reduction efforts.

(7) Any other conditions that the city deems necessary to ensure that mercury reduction efforts are effective in achieving the goals of this section.

(E) Failure to submit an approved MRP within 30 days of the required due date shall constitute significant non-compliance in accordance with this section and will result in publication as a significant violator.

(F) A MRP may be evaluated for adequacy at any time by the city. If such an evaluation determines that the MRP is inadequate, or the nondomestic user has not complied with its approved MRP, the nondomestic user will be notified. Failure to comply with the MRP requirement constitutes non-compliance. The city will follow its Enforcement Response Plan (ERP), as found in §§ 53.80 *et seq.*, to ensure that corrective actions are taken and the public protected.

(G) The city reserves the right to take appropriate enforcement action against any nondomestic user that violates its discharge permit in any way, to include the discharge of mercury into the city system, even if such user has an MRP in place and is making progress toward full compliance.

(H) A nondomestic user may request a release from the MRP requirements if:

(1) All samples of the discharge for a period of one year are less than the specified LOD;

(2) The nondomestic user has complied with at a minimum the monitoring frequency of quarterly sampling events; and

(3) The city deems the MRP commitments have been fulfilled sufficiently to ensure continued compliance with the mercury limitation. The city shall notify the nondomestic user of any release from MRP requirements in writing.

(I) If the MRP requirement is waived by the city, the nondomestic user remains subject to the local limitation for mercury in accordance with the requirements of local and state law.

(J) Rediscovery of mercury in the nondomestic user's discharge subjects said user to the submission of a new MRP, or escalation of enforcement in accordance with the city's ERP.

(Ord. 677, passed 8-28-2023) Penalty, see § 54.99

## ***ADMINISTRATION***

### **§ 54.55 WASTEWATER DISCHARGES.**

To ensure compliance with applicable pretreatment standards and requirements, it shall be unlawful for any significant industrial user to discharge without a city permit, order or similar means to the POTW any wastewater except as authorized by the Supervisor in accordance with the provisions of this chapter.

(Ord. 677, passed 8-28-2023) Penalty, see § 54.99

### **§ 54.56 WASTEWATER DISCHARGE PERMITS.**

(A) *Industrial user permits.* All significant industrial users and any industrial commercial users, as required by the city, shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant industrial users and industrial commercial users, as required by the city, connected to or contributing to the POTW shall obtain a wastewater discharge permit within 270 days after the effective date of this chapter. Where a user subject to a national categorical pretreatment standard has not previously submitted an application for a wastewater discharge permit as required by

this section, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standards.

(B) *Local user permits.* The Supervisor may require any user other than an industrial user to obtain a local use permit to discharge to the POTW, subject to such terms and conditions as are determined necessary and appropriate by the POTW to achieve the purposes, policies and objects of this chapter.

(1) A local user permit may contain, but shall not be required to contain, any of the terms and conditions that would apply to an industrial user permit issued to an industrial user as provided by this section to comply with the general and specific discharge prohibitions of this chapter, including, but not limited to, discharge limitations, and requirements regarding reporting, sampling and monitoring; pretreatment; pollution prevention, minimization or reductions plans; accidental discharge, spill prevention, and containment requirements; flow equalization; and implementation of best management practices or a best management practices plan.

(2) To the extent determined appropriate by the Supervisor on a case-by-case basis, a local user permit issued under this division (B) shall be subject to provisions otherwise applicable to permits for industrial users. However, all local user permits shall be non-transferable and are subject to the permit fee and permit appeals provisions of this chapter.

(3) It is unlawful for any user required by the Supervisor to obtain a local user permit to discharge to the POTW without a local user permit as provided by this section.

(4) Failure to comply with a local user permit issued under this division (B) constitutes a violation of this subchapter.

(5) In no case shall a local user permit be construed to authorize the illegal discharge or otherwise excuse a violation of this subchapter.

(C) *Permit application.* Users required to obtain a wastewater discharge permit shall complete and file with the city an application in the form prescribed by the city. Existing applicable users shall apply for a wastewater discharge permit within 180 days after effective date of this chapter, and new applicable users shall apply at least 90 days prior to connecting to or contributing to the POTW.

(1) In support of the application, the city may require the user to submit, in units and terms appropriate for evaluation, the following information:

(a) Name, address, and location of the facility including the name of the operator and owners;

(b) Standard industrial classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

(c) Wastewater constituents and characteristics, as determined by the Supervisor. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to § 304 of the Act, being 33 U.S.C. § 1314, and contained in 40 C.F.R. Part 136, as amended; where 40 C.F.R. Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in EPA publications, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments thereto, or with any sampling and analytical procedures approved by the Administrator of the EPA. The permit application shall indicate the time, date and place of sampling and methods of analysis and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW;

(d) Time and duration of discharges;

(e) Average daily and maximum daily wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any;

(f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation;

(g) Description of activities, facilities and plant processes on the premises, including all materials which are or may be discharged to the POTW;

(h) Nature and concentration of any pollutants or materials in the discharge which are limited by pretreatment standards, together with a statement regarding whether or not compliance is being achieved with the pretreatment standards on a consistent basis and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the user to comply with applicable pretreatment standards;

(i) Where additional pretreatment and/or operation and maintenance activities will be required to comply with applicable pretreatment standards, the user shall provide a declaration of the shortest schedule by which the user will provide such additional pretreatment and/or implementation of additional operational and maintenance activities. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to comply with applicable pretreatment standards, including but not limited to dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this chapter;

2. Under no circumstances shall the city permit a time increment for any single step directed toward compliance which exceeds nine months;

3. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the city, including no less than a statement as to whether or not it complied with the increment of progress represented by that date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the city;

(j) Each product produced by type, amount, process or processes and rate of production;

(k) Type and amount of raw materials utilized (average and maximum per day);

(l) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(m) All permit applications shall be signed by an authorized representative of the industrial user and shall contain the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations;

(n) A listing of all environmental control permits held by or for the user; and

(o) Any other information as may be deemed by the city to be necessary to evaluate the permit application.

(2) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

(D) *Permit modifications.* Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standards within the timeframe prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the Supervisor within 90 days after the promulgation of an applicable national categorical pretreatment standard the information required by divisions (C)(1)(h) and (i) of this section. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in this section are modified or other just cause exists. The user shall be informed of any proposed changes in



his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(E) *Required permit conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits must contain the following:

- (1) A unique identification number and user identification;
- (2) Statement of the wastewater discharge permit issuance date, expiration date and effective date;
- (3) Authorized flow on which the permit was based;
- (4) Effluent limits, including Best Management Practices, based on applicable pretreatment standards;
- (5) Self-monitoring, sampling, reporting, notification and recordkeeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state and local law;
- (6) Applicable compliance schedule(s) for categorical standards, which may not extend beyond that required by applicable national, state or local law;
- (7) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. The schedule may not extend the compliance date beyond applicable national deadlines;
- (8) A statement that the wastewater discharge permit is nontransferable without prior notification to the city and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (9) Requirements to control slug discharge, if determined by the Supervisor to be necessary; and
- (10) Approval signature and date.

(F) *Additional permit conditions.* Wastewater discharge permits may contain, but need not be limited to the following conditions:

- (1) The user charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (2) Limits on the average and maximum wastewater constituents and characteristics;

(3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

(4) Requirements for installation and maintenance of inspection and sampling facilities;

(5) Compliance schedules;

(6) Requirements for submission of technical reports or discharge reports (see § 54.58);

(7) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city and affording city access thereto;

(8) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituent being introduced into the wastewater treatment system;

(9) Requirements for notification of slug discharges as per § 54.42;

(10) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(G) *Permits duration.* Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit.

(H) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be assigned or transferred or sold to a new owner, new user, or different premises without the prior approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(I) Any industrial user or POTW subject to the reporting requirements established in this section (including documentation associated with Best Management Practices) shall be required to retain for a minimum of three years any record of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the Director and the Regional Administrator (and POTW in the case of an industrial user). This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by the Director or the Regional Administrator.

(Ord. 677, passed 8-28-2023)

#### **§ 54.57 CONTRIBUTING MUNICIPALITY.**

(A) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Supervisor shall enter into an intermunicipal agreement with the contributing municipality.

(B) Prior to entering into an agreement required by division (A) above, the Supervisor shall request the following information from the contributing municipality:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and

(3) Such other information as the Supervisor may deem necessary.

(C) An intermunicipal agreement, as required by division (A) above, shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this chapter and local limits, including required baseline monitoring reports (BMRs) which are at least as stringent as those set out in § 54.58(D). The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to this chapter or local limits;

(2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Supervisor; and which of these activities will be conducted jointly by the contributing municipality and the Supervisor;

(4) A requirement for the contributing municipality to provide the Supervisor with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing municipality's discharge;

(7) A provision ensuring the Supervisor access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Supervisor; and

(8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

(Ord. 677, passed 8-28-203) Penalty, see § 54.99

**§ 54.58 REPORTING REQUIREMENTS FOR PERMITTEE.***(A) Inspection, sampling and analysis.*

(1) The Supervisor may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this section. The discharger shall allow the Supervisor to enter upon the premises of the discharger at all hours, for the purposes of inspection, sampling or records examination. The Supervisor shall have the right to set up on the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations and have access to examine and copy any records. All costs associated with this monitoring requirement shall be borne by the discharger.

(2) The reports required in this section must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The city shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the city. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 C.F.R. Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate.

(a) For sampling required in support of baseline monitoring and 90-day compliance reports required in this section, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the city may authorize a lower minimum. For the reports required by this section, the city shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(b) All analyses shall be performed in accordance with procedures established by the approval authority pursuant to § 304(h) of the Act and contained in 40 C.F.R. Part 136 and amendments thereto or with any other test procedures approved by the approval authority. (See §§ 136.4 and 136.5.) Sampling shall be performed in accordance with the techniques approved by the approval authority.

(3) Where EPA 40 C.F.R. Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedure set

forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto or with any other sampling and analytical procedures approved by the Administrator of the EPA. Where the POTW performs all the required sampling and analyses and collects all the information required for the reports required in § 54.58, the significant industrial user will not be required to submit the report.

(4) If sampling performed by a significant industrial user indicates a violation, the user shall notify the Supervisor within 24 hours of becoming aware of the violation. At a minimum, the user is required to resample and analyze and submit results within 30 days of becoming aware of the violation. The Supervisor may, with the issuance of a modified permit, require more frequent sampling and analysis. Resampling by the significant industrial user is not required if the city performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the significant industrial user or city receives the results of this sampling. Where the city has performed the sampling and analysis in lieu of the industrial user, the city must perform any required repeat sampling and analysis unless it notifies the industrial user of the violation and requires the user to perform any required repeat analysis.

(5) If a significant industrial user, subject to the reporting requirement in § 54.58, monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in this section, the results of this monitoring shall be included in the report.

(6) The reports required by § 54.58 shall include the following certification statement:

I certify under penalty of the law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted, it is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of penalty and imprisonment for knowing violations.

(7) *Signatory requirements for industrial user reports.* The reports required by § 54.58 shall include the certification statement as set forth in division (A)(7), and shall be signed by an authorized representative of industrial user as defined in § 54.02.

(8) If an authorization under division (A)(7) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of division (A)(7) of this section must be submitted to the Supervisor prior to or together with any reports to be signed by an authorized representative.

(9) Reports of permittees shall contain all results of sampling and analysis of the discharge, including the flow, nature, concentration, production and/or mass, where required by the Supervisor.

(B) *Periodic compliance reports.* Any industrial user subject to categorical pretreatment standards shall submit to the Supervisor a report, as required in 40 C.F.R. § 403.12(e), indicating the nature and concentration of prohibited or regulated substances in the effluent. Unless alternative months are approved by the POTW, the reports shall be submitted for the six month periods in June and in December. In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the user must submit documentation required by the Supervisor or the pretreatment standard necessary to determine the compliance status of the significant industrial user. In addition, this report shall include a record of all measured or estimated average and maximum daily flows which during the reporting period exceeded the average daily flow reported in § 54.56(C)(1)(e) hereof. Flows shall be reported on the basis of actual measurement provided, however, where cost or feasibility considerations justify, the Supervisor may accept reports of average and maximum flows estimated by verifiable techniques. The Supervisor, for good cause shown, considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors, may authorize the submission of said reports on months other than those specified above.

(C) *Significant non-categorical user compliance report.* For dischargers who are not subject to categorical pretreatment standards, but are subject to local limits, and discharge or have the potential to discharge substances which could adversely affect the POTW's operation, or for violating any pretreatment standard or requirement, a report is to be submitted in June and December, unless alternative months are approved by the POTW, following the commencement of the discharge to the Supervisor. The report shall specify a description of the nature, concentration, and flow of all prohibited or regulated substances contained in their discharge as set forth in 40 C.F.R. § 403.12(h) and Mich. Admin. Code R. 323.2310(7) and the average and maximum daily flow in gallons. The report shall state whether the requirements are being met on a consistent basis and, if additional pretreatment is necessary, to bring the discharge into compliance with the requirements. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the user must submit documentation required by the city to determine the compliance status of the user. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in 40 C.F.R. Part 136 of this chapter and amendments thereto. This sampling and analysis may be performed by the city in lieu of the significant non-categorical industrial user.

(D) *Baseline monitoring report.* Within 180 days after the effective date of a categorical pretreatment standard or 180 days after the final administrative decision made upon a category determination request, or 90 days prior to the commencement of discharge in the case of a new source, the industrial user shall submit a baseline monitoring report, signed by an authorized representative, in accordance with 40 C.F.R. § 403.12(b) and Mich. Admin. Code R. 323.2310(2), for any discharge subject to national categorical pretreatment standards and requirements.

(E) *Compliance schedule progress reports.* The following conditions shall apply to the compliance schedule required by § 54.56(E)(6):

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not

limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(2) No increment referred to above shall exceed nine months;

(3) The user shall submit a progress report to the Supervisor no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(4) In no event shall more than 9 months elapse between such progress reports to the Supervisor.

(F) *Ninety-day compliance report; 90-day report on compliance with national categorical standards.* Within 90 days following the date for final compliance with applicable national categorical pretreatment standards, or in the case of a new source following the commencement of the introduction of wastewater into the POTW, any discharger subject to national categorical pretreatment standards and requirements shall submit a report in accordance with 40 C.F.R. § 403.12(d) and Mich. Admin. Code R 323.2310(3).

(G) *Notification of changed discharges.* All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharges.

(1) Industrial users do not have an affirmative defense for the discharge of pollutants that result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health or safety problems.

(2) Industrial users shall report any changes to information in the baseline monitoring report to the POTW within 60 days.

(3) All nondomestic user reports shall contain a certification statement by an authorized representative as outlined in division (A) above.

(4) A nondomestic user shall notify the POTW in advance of any substantial change in the volume or character of pollutants in its discharge. These changes could include the following:

- (a) Ground waters purged for remedial action programs;
- (b) Ground waters containing pollutants that infiltrate into the sewers;
- (c) Listed or characteristic hazardous wastes.

(H) *Hazardous waste notification.*

(1) Any industrial or commercial user, except as specified in division (H)(5) below, who discharges any substance to the POTW which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 C.F.R. Part 261, shall notify the POTW, the EPA Regional Waste Management Division Director and the state hazardous waste authorities as set forth in 40 C.F.R. § 403.12(p) and Mich. Admin Code R. 323.2310(15) in writing of such discharge.

(2) All hazardous waste notifications shall include:

(a) The name of the hazardous waste as set forth in 40 C.F.R. Part 261;

(b) The EPA hazardous waste number;

(c) The type of discharge (continuous, batch or other); and

(d) A certification that the user has a program in place to reduce the volume and toxicity of the hazardous wastes generated to the degree it has determined to be economically practical.

(3) In addition to the information submitted in §54.58(H)(2), the reports from industrial and commercial users discharging more than 100 kilograms of hazardous waste per calendar month to the POTW shall contain the following information:

(a) An identification of the hazardous constituents contained in the waste;

(b) An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month;

(c) An estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.

(4) Hazardous waste notifications shall be submitted no later than 30 days after the effective date of this section or prior to the discharge of listed or characteristic hazardous waste for discharges commencing after the effective date of this section, as required in § 54.56(F)(8). Any notification under this provision need be submitted only once for each hazardous waste discharged, although notifications of changed discharge must be submitted under § 54.56(F)(8). This section does not apply to pollutants already reported as part of a significant industrial user discharge permit self-monitoring requirement. Industrial and commercial users are exempt from the hazardous waste notification requirement when they discharge 15 kilograms or less of non-acute hazardous wastes per calendar month. Discharge of any quantity of acutely hazardous waste as specified in 40 C.F.R. § 261.30(d) and 261.33(e) requires a one-time notification.

(5) In the case of any new regulations under § 3001 of Resource Conservation and Recovery Act identifying additional characteristics of hazardous waste, the industrial user must notify the POTW,



the EPA regional waste management division director, and the state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of the regulations.

(Ord. 677, passed 8-28-2023) Penalty, see § 54.99

#### **§ 54.59 MONITORING FACILITIES.**

(A) When required by the city, each user shall provide and operate at the user's own expense a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the city. Each monitoring facility shall be situated on the user's premises, except where such a location would be impractical or cause undue hardship on the user, the city may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. The samples must be representative of the user's discharge.

(B) All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications and shall be approved by the city.

(Ord. 677, passed 8-28-2023) Penalty, see § 54.99

#### **§ 54.60 INSPECTION AND SAMPLING.**

(A) The city under the direction of the Supervisor shall randomly sample and analyze the effluent from industrial users and conduct surveillance and inspections activities to verify the industrial self-monitoring reports as stated in 40 C.F.R. § 403.8.(f)(2)(v). The city may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access to all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The city, EGLE, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, EGLE and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(B) The city shall observe all safety rules applicable to the premises established by the user and the user shall be held harmless for injury or death to the city employee, and the city shall indemnify the company against loss or damage to its property by the city employee and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions.

(Ord. 677, passed 8-28-2023) Penalty, see § 54.99

**§ 54.61 RECEIVE AND ANALYZE SELF-MONITORING REPORTS.**

The city under the direction of the Supervisor shall receive and analyze all self-monitoring reports and other notices submitted by industrial users in accordance with the self-monitoring requirements in 40 C.F.R. § 403.12 as is stated in 40 C.F.R. § 403.8.(f)(2)(iv). The Supervisor shall, after review, send a written report with comments or suggestions to the industrial user.  
(Ord. 677, passed 8-28-203)

**§ 54.62 INVESTIGATION OF INSTANCES OF NONCOMPLIANCE.**

The city shall, under the direction of the Supervisor, investigate instances of noncompliance with pretreatment standards and requirements which are found in reports and notices required in 40 C.F.R. § 403.12 or in surveillance and inspection activities in 40 C.F.R. § 403.8.(f)(2)(v). Sufficient care shall be taken during the investigation that the evidence produced is admissible in enforcement proceedings or in judicial actions as is stated in 40 C.F.R. § 403.8.(f)(2)(vii).  
(Ord. 677, passed 8-28-2023)

**§ 54.63 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING.**

If sampling performed by a user indicates a violation, the user must notify the Supervisor within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Supervisor within 30 days after becoming aware of the violation. Resampling by the industrial user is not required if the city performs sampling at the user's facility at least once a month, or if the city performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the industrial user.  
(Ord. 677, passed 8-28-2023) Penalty, see § 54.99

**§ 54.64 PRETREATMENT.**

(A) Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all national categorical pretreatment standards, local limits, and the prohibitions set forth in § 54.35 within the time limitations as specified by EPA, the state, or Supervisor, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review. The city will review such plans and respond with suggested modifications within 30 days following plan submittal. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the city prior to the user's initiation of the changes.

(B) The city shall annually publish in the largest local newspaper of local distribution a list of the categorical industrial users that are in significant noncompliance of any pretreatment requirements or standards during the 12 previous months, as is required under the public participation requirements of 40 C.F.R. Part 25.

(C) All records relating to compliance with pretreatment standards and requirements shall be made available to officials of the EPA or EGLE upon request.  
(Ord. 677, passed 8-28-2023) Penalty, see § 54.99

#### **§ 54.65 CONFIDENTIAL INFORMATION.**

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

(B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the national pollutant discharge elimination system (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of the report shall be available for use by the state or any state agency judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(Ord. 677, passed 8-28-2023)

#### **§ 54.66 RECORDKEEPING REQUIREMENTS.**

(A) Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section, including documentation associated with Best Management Practices. Such records shall include for all samples:

(1) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;

(2) The dates analyses were performed;

(3) Who performed the analyses;

(4) The analytical techniques/methods use; and

(5) The results of such analyses.

(B) Any industrial user subject to the reporting requirements established in this section (including documentation associated with Best Management Practices) shall be required to retain for a minimum of three years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by EGLE and the EPA (and POTW in the case of an industrial user). This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by EGLE or the EPA.

(C) Any POTW to which reports are submitted by an industrial user pursuant to this section shall retain such reports for a minimum of three years and shall make such reports available for inspection and copying by EGLE and the EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user or the operation of the POTW pretreatment program or when requested by EGLE or the EPA.

(Ord. 677, passed 8-28-2023) Penalty, see § 54.99

### ***ENFORCEMENT***

#### **§ 54.75 HARMFUL CONTRIBUTIONS.**

(A) The city may immediately suspend or terminate the wastewater treatment service, wastewater discharge permit, and/or any discharge into the city's wastewater system when such suspension or termination is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the POTW, pass through, or causes the city to violate any condition of its NPDES permit.

(B) Any person notified of a suspension or termination of the wastewater treatment service, the wastewater discharge permit and/or discharge into the city's wastewater system shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the wastewater discharge permit and/or wastewater treatment service upon proof, at a show cause hearing scheduled in accordance with § 54.78 below, of the elimination of the noncompliance. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within 15 days of the date of occurrence.

(Ord. 677, passed 8-28-2023) Penalty, see § 54.99

**§ 54.76 REVOCATION OF PERMIT.**

Any user who violates the following conditions of this chapter or applicable state and federal regulations is subject to having his or her permit revoked in accordance with the procedures of this chapter:

(A) Failure of a user to report factually the wastewater constituents and characteristics of his or her discharge;

(B) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;

(C) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;  
or

(D) Violation of conditions of the permit.  
(Ord. 677, passed 8-28-2023) Penalty, see § 54.99

**§ 54.77 NOTIFICATION OF VIOLATION.**

Whenever the city finds that any user or any other person or entity has violated or is violating this chapter, wastewater discharge permit, or any prohibition or limitation or requirements contained within, the city shall serve or cause to be served upon such user a written notice either personally or by first class mail, return receipt requested, stating the nature of the alleged violation. Within 30 days of the date of receipt of the notice, the user shall respond personally or in writing to the city, advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and, where necessary, establish a plan for the satisfactory correction thereof. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Supervisor to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(Ord. 677, passed 8-28-2023) Penalty, see § 54.99

**§ 54.78 SHOW CAUSE HEARING.**

(A) The city may order any user, or any other person or entity which causes or allows conduct prohibited by § 54.75, has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to show cause before the city or its duly authorized representative why the proposed service termination action should not be taken. A written notice shall be served on the user specifying the time and place of a hearing to be held by the city or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the user to show cause

before the city or its designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by first class mail not less than ten days before the hearing. Service may be made on any agent, officer, or authorized representative of a user.

(B) The City Commission may itself conduct the hearing and take the evidence or may designate any of its members or any office or employee of the assigned department to:

(1) Issue in the name of the City Commission notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(2) Take the evidence;

(3) Transmit a report of the evidence and hearing, including transcripts, and other evidence, together with recommendations to the City Commission for action thereon.

(C) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The transcript so recorded will be made available to any member of the public or any part to the hearing upon payment of the usual charges thereof.

(D) After the City Commission has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that such devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued. (Ord. 677, passed 8-28-2023) Penalty, see § 54.99

#### **§ 54.79 CONSENT ORDERS.**

The Supervisor may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user, or any other person or entity responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §§ 54.78, 54.80 and 54.81 of this chapter and shall be judicially enforceable.

(Ord. 677, passed 8-28-2023) Penalty, see § 54.99

#### **§ 54.80 COMPLIANCE ORDERS.**

When the Supervisor finds that a user, or any other person or entity has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Supervisor may issue an order to the user, person or other entity responsible for the discharge directing that the user, person or entity come

into compliance within a specified time. If the user, person or other entity does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user, person or entity of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. 677, passed 8-28-2023) Penalty, see § 54.99

#### **§ 54.81 CEASE AND DESIST ORDERS.**

(A) *Order to immediately cease and desist discharge.* The Supervisor may issue an order to cease and desist from discharging any wastewater, pollutant, or discharge not in compliance with this chapter. The order shall have immediate effect if the actual or threatened discharge to the POTW presents, or may present imminent or substantial endangerment to the health or welfare of persons, to the environment, or causes or may cause interference or pass through. The Supervisor shall implement whatever action is necessary to halt or prevent the discharge, including but not limited to, emergency suspension of service. The user shall be assessed for any penalties, fines, charges, surcharges, expenses, or losses incurred due to the actual or threatened discharge of pollutants as provided by this chapter.

(B) *Order to cease discharge within a time certain.* The Supervisor may issue an order to cease and desist from discharging any wastewater, pollutant, or discharge not in compliance with this chapter by a certain time and date. The proposed time for remedial action shall be specified in the order. In addition to any other circumstances as determined appropriate by the Supervisor, an order may be issued under this section for failure to pay applicable permit fees or to comply with any term of a user permit.

(Ord. 677, passed 8-28-2023) Penalty, see § 54.99

#### **§ 54.82 JUDICIAL PROCEEDINGS.**

Following the entry of any order by the city with respect to the conduct of a user contrary to the provisions of § 54.75, or user or any other person or entity that has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, the City Attorney may, following the authorization of such action by the city, commence an action for appropriate legal and/or equitable relief in the appropriate local court.

(Ord. 677, passed 8-28-2023) Penalty, see § 54.99

**§ 54.83 RIGHT OF APPEAL.**

Any user or any interested party shall have the right to request in writing an interpretation or ruling by the city on any matter covered by this chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by a user and deals with matters of performance or compliance with this chapter for which enforcement activity relating to an alleged violation is the subject, receipt of a user's request shall stay all enforcement proceedings pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this chapter may be taken in accordance with local and state law.

(Ord. 677, passed 8-28-2023)

**§ 54.84 AFFIRMATIVE DEFENSE.**

The response to a user's noncompliance is normally dependent on the violation significance, compliance history, suspected intention, and attitude. However, there are the following affirmative defense provisions in the law:

(A) For upset events, there is an affirmative defense if the user can demonstrate through operating logs or other relevant evidence that: (i) an upset occurred and the causes can be identified; (ii) the facility was at the time being operated in a prudent and workmanlike manner in accordance with standard operations and maintenance procedures; and (iii) the user has submitted to the Supervisor the information required per Mich. Admin. Code R. 323.2315(2)(c)i-iii within 24 hours of becoming aware of the upset.

(B) For pass through and/or interference events, there is an affirmative defense if the user can demonstrate that: (i) it did not know that its discharge, alone or in combination with discharges from other sources, would cause the violation; and (ii) it was in compliance with a corresponding local limit, or there was no local limit, before/during the violation and the discharge did not change substantially.

(C) A user shall have an affirmative defense in any action brought against it alleging specific prohibitions under §§ 54.35(A)(2), (7), (12) or (13) if the user can demonstrate that all of the conditions necessary to establish the defense under Mich. Admin. Code R. 323.2303(3)(a) and (b) are met. However, even if the affirmative defense is established, the user may still be liable for surcharges for exceeding applicable discharge limitations as provided by this chapter. In any enforcement proceeding, the user seeking to establish the affirmative defenses provided by Mich. Admin. Code R. 323.2303(3) shall have the burden of proof.

(Ord. 677, passed 8-28-2023)

**§ 54.85 BYPASS.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.



**BYPASS.** The intentional diversion of waste streams from any portion of an industrial user's treatment facility.

**SEVERE PROPERTY DAMAGE.** Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial or permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. **SEVERE PROPERTY DAMAGE** does not mean economic loss caused by delays in production.

(B) *Limited allowance.* An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of divisions (C) and (D) of this section.

(C) *Notice.*

(1) If an industrial user knows in advance of the need for a bypass that is not otherwise allowed, it shall submit prior notice to the control authority, if possible, at least ten days before the date of the bypass.

(2) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the control authority within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its causes; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The control authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(D) *Prohibition of bypass.*

(1) A bypass, if not otherwise allowed pursuant to division (B) of this section or approved pursuant to division (D)(2) below, is prohibited, and the control authority may take enforcement action against an industrial user for a bypass, unless:

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

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

(c) The industrial user submitted notices as required under division (C) of this section.

(2) The control authority may approve an anticipated bypass, after considering its adverse effects, if the control authority determines that it will meet the three conditions listed in division (D)(1) of this section.

(Ord. 677, passed 8-28-2023) Penalty, see § 54.99

#### **§ 54.86 OPERATING UPSETS.**

(A) Any user which experiences an upset in operations which place the user in a temporary state of noncompliance with categorical pretreatment standards shall immediately inform the city thereof and in no case later than 24 hours of first awareness of the commencement of the upset. Where such information is given orally, a written follow up report thereof shall be filed by the user with the city within five days.

(B) The report shall specify:

(1) Description of the upset, the cause thereof and the upset's impact on a user's compliance status;

(2) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur; and

(3) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

(Ord. 677, passed 8-28-2023) Penalty, see § 54.99

#### **§ 54.87 NET/GROSS CALCULATION.**

Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this section.

(A) *Application.* Any industrial user wishing to obtain credit for intake pollutants must make application to the control authority. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (adjusted to reflect pollutants in the intake water) if the requirements of this section are met.

(B) *Criteria.*

(1) The industrial user must demonstrate that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.

(2) Credit for genetic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the industrial user demonstrates that the constituents of the genetic measure in the user's effluent are substantially similar to the constituents of the genetic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

(3) Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.

(4) Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The control authority may waive this requirement if it finds that no environmental degradation will result.

(5) The applicable categorical pretreatment standards contained in 40 C.F.R. Subchapter N specifically provide that they shall be applied on a net basis.  
(Ord. 677, passed 8-28-2023)

#### **§ 54.88 RECOVERY OF COSTS INCURRED BY THE CITY.**

Any user violating any of the provisions of this chapter or who discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the city's wastewater disposal system shall be liable to the city for any expense, loss, or damage caused by such violation or discharge. The city shall bill the user for the costs incurred by the city for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this chapter enforceable under the provisions of this chapter.

(Ord. 677, passed 8-28-2023) Penalty, see § 54.99

#### **§ 54.99 PENALTY.**

(A) *Administrative fines.* Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter or permits and orders issued hereunder shall be fined in an amount not to exceed \$1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge, and the Supervisor shall have such other collection remedies as he or she has to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the individual user's property. Individual users desiring to dispute such fines must file a request for the City Manager to reconsider the fine within ten days of being notified of the fine. Where the City Manager believes a request has merit, he or she shall convene a hearing on the matter within 15 days of receiving the request from the industrial user.

(B) *Civil penalties.* Any user who is found to have violated an order of the city or who willfully or negligently failed to comply with any provision of this chapter and the orders, rules, and regulations and permits issued hereunder shall be fined not more than \$1,000, plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the penalties provided herein, the city may recover 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 chapter or the orders, rules, regulations, and permits issued hereunder.

(C) *Criminal penalties.* Any user convicted of the following may be punished by a fine of not more than \$500 per violation per day, or imprisonment for not more than 90 days, or both:

(1) Willfully or negligently introduces any substance into the POTW which causes personal injury or property damage. (This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.)

(2) Willfully or negligently violates any provision of an individual wastewater discharge permit, this chapter, an order of the city, or any other pretreatment standard or requirement.

(3) Falsifies, tampers with, or knowingly renders inaccurate any required monitoring device or method.

(4) Knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation required by a permit, this chapter, an order of the city, or any other pretreatment standard or requirement.

(Ord. 677, passed 8-28-2023)

## APPENDIX 1

### STANDARD ORDINANCE LIMITS AND SURCHARGES FOR DISCHARGES OF CERTAIN POLLUTANTS

<i>Parameter</i>	<i>Daily Max. mg/l</i>
LIMITATIONS FOR COMPATIBLE POLLUTANTS	
Ammonia Nitrogen (NH <sub>3</sub> as N) <sup>1</sup>	35
BOD <sub>5</sub> <sup>2</sup>	300
Phosphorous Total <sup>3</sup>	16.9
TSS <sup>4</sup>	300
FOG Nonpolar	100
FOG Total	250
LIMITATIONS FOR SPECIFIC CONSTITUENTS	
Arsenic	0.017
Cadmium	0.015
Chromium Total	1.1
Copper	0.59
Cyanides Available	0.07
Lead	0.14
Mercury	NQ <sup>5</sup>
Molybdenum	0.2
Nickel	1.2
Selenium	0.096
Silver	0.042
Zinc	1.5

<i>Parameter</i>	<i>Daily Max. mg/l</i>
Cis 1, 2-Dichloroethylene	5.7
Trans - 1,2-Dichloroethylene	2.0
Trichloroethylene	0.026
Vinyl Chloride	0.012
<sup>1</sup> Any discharge of ammonia nitrogen in excess of 20 mg/l shall be subject to surcharge as provided by this chapter. <sup>2</sup> Any discharge of BOD5 in excess of 200 mg/l shall be subject to surcharge as provided by this chapter. <sup>3</sup> Any discharge of Phosphorous Total in excess of 4.3 mg/l shall be subject to surcharge as provided by this chapter. <sup>4</sup> Any discharge of TSS in excess of 160 mg/l shall be subject to surcharge as provided by this chapter. <sup>5</sup> NQ = Non-quantifiable concentration, defined as at or above the quantification level of 0.0002 mg/l using U.S. EPA Method 245.1 (or at or above other quantification levels applicable under alternative test methods required by the Supervisor or by other applicable laws or regulations). Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring of a user's discharge shall be in accordance with U.S. EPA method 245.1, unless the Supervisor requires U.S. EPA Method 1631 (or other appropriate method). The quantification level shall be 0.0002 mg/l for Method 245.1 or 0.0000005 mg/l for Method 1631, unless higher levels are approved by the Supervisor because of sample matrix interference.	

## APPENDIX 2

### MAIL LIMITS

<i>Parameter</i>	<i>MAIL Daily Max. (lbs./day)</i>
LIMITATION FOR COMPATIBLE POLLUTANTS	
Ammonia Nitrogen (NH <sub>3</sub> as N)	55
BOD <sub>5</sub>	378
Phosphorous Total	35
TSS	979
FOG Nonpolar	296
FOG Total	382
LIMITATIONS FOR SPECIFIC CONSTITUENTS	
Arsenic	0.128
Cadmium	0.142
Chromium Total	1.02
Copper	0.393
Cyanides Available	0.104
Lead	0.324
Mercury	—
Molybdenum	0.507
Nickel	0.917
Selenium	0.0629
Silver	0.0351
Zinc	1.7

<i>Parameter</i>	<i>MAIL Daily Max. (lbs./day)</i>
Cis - 1,2 - Dichloroethylene	6.45
Trans - 1,2-Dichloroethylene	15.7
Trichloroethylene	2.31
Vinyl Chloride	0.133



designated by traffic control order and respectively traffic signs. If any vehicle shall remain parked in such a parking space beyond the time limit fixed for such parking space, the parking shall be deemed overtime parking, a violation of this chapter and punishable as set forth herein.

(B) It shall be unlawful for any person to park in a designated municipal parking lot for a time period in excess of that time set forth by respective traffic control order and denoted by signs to that effect. Such parking in excess of the times designated by traffic control order and by signs, respectively, shall be deemed overtime parking and shall be a violation of this chapter and punishable as hereinbefore provided.

(C) It shall further be unlawful for any person to park in a designated municipal parking lot, allowing parking by permit, the lots and permits being further designated by traffic control order and by signs respectively. The parking permits shall be obtained from the municipal offices at City Hall, and the permits are to be for a period of six months or one year, at a price to be established by the City Commission administratively. The permits must be affixed or otherwise hung from the inside rearview mirror of any vehicle using same. Any vehicle parking without permit shall be deemed overtime parking and shall be a violation of this chapter and punishable as herein described.

(D) It shall be unlawful for any person to park overnight in designated municipal parking lots set forth by respective traffic control orders and denoted by signs to that effect without first obtaining a permit to do so, said permit to be available from the municipal offices at City Hall and to be for a period of six months to one year, at a price to be established by the City Commission administratively. The permits must be affixed or otherwise hung from the inside rearview mirror of any vehicle using same. Any vehicle parking overnight with proper permit must be moved at least once every 72 hours and not left standing in excess of that time.

(E) Any vehicle parking overnight without permit or allowed to remain unmoved in excess of 72 hours with a permit shall be in violation of this chapter and subject to a parking citation as provided for in this chapter or may be subject to towing and removal by the city police or its designated towing authority.

(1990 Code, § 10.58) (Am. Ord. 464, passed 11-24-1997; Am. Ord. 575, passed 3-10-2008) Penalty, see § 10.99

#### **§ 71.09 PARKING PROHIBITED.**

(A) (1) Except as otherwise provided in this section, no person shall be permitted to park or leave standing, unattended a motor vehicle or any other vehicle on the public streets of the city between the hours of 1:00 a.m. and 6:00 a.m.

(2) *Exception.* A person may park a motor vehicle on a public street between the hours of 1:00 a.m. and 6:00 a.m. only if a traffic control order has designated that particular public street for overnight parking.

(B) Any person or persons violating any of the provisions of this section shall, upon being found responsible therefor, be punished as a civil infraction.

(C) Parking is prohibited on a sidewalk or between curb and sidewalk or imaginary line of curb or sidewalk.

(Ord. 422, passed 9-12-1994; Am. Ord. 506, passed 4-22-2002; Am. Ord. 673, passed 5-22-2023)

#### **§ 71.10 PARKING IN A METERED ZONE AREA.**

When parking meters are erected adjacent to a space marked for parking, such space shall be a metered parking zone, and no person shall stop or park a vehicle in any such zone for a period of time longer than the parking period designated on the parking meter or without satisfying the conditions designated on the parking meter for the deposit of coins of U.S. currency on the days and during the hours such regulations are designated on such meters as being in effect. Whenever a vehicle shall be parked in an individual parking zone, when parking meter regulations are in effect, coins as required by the designation on the meter shall be deposited in the meter immediately upon parking by the owner, operator or passenger of the vehicle.

(1990 Code, § 10.59)

#### **§ 71.11 PARKING METER VIOLATIONS.**

It shall be unlawful for any person to park in a parking meter zone or parking meter lot except within the areas designated or to fail or neglect to deposit the proper coin or coins. If said vehicle shall remain parked in any such parking space beyond the parking time limits fixed for such parking space, the parking meter shall by its dial and pointer indicate such illegal parking. In that event, such vehicle shall be considered as parking overtime and shall be in violation of this chapter and punishable as set forth herein.

(1990 Code, § 10.60) Penalty, see § 10.99

#### **§ 71.12 CONTROL MARKS OR DEVICES.**

It shall be lawful for the St. Johns Chief of Police and/or his designated employee or agent to place chalk or other approved marking devices upon parked vehicles, their wheels or tires to designate and control time limitations as set forth herein.

(1990 Code, § 10.61)

#### **§ 71.13 ERASURE OR REMOVAL OF CONTROL MARKS OR DEVICES.**

No person shall erase or remove any marks or devices placed on any vehicle for the purpose of enforcing the provisions of this chapter.

(1990 Code, § 10.62)

## CHAPTER 92: ANIMALS

### Section

#### *General Regulations*

- 92.01 Cruelty to animals
- 92.02 Poisoning of animals
- 92.03 Birds and birds' nests
- 92.04 Keeping of livestock prohibited
- 92.05 Wild animals
- 92.06 Dangerous animals
- 92.07 Hybrid farm animals
- 92.08 Collection and disposal of animal wastes

#### *Dogs*

- 92.20 License required
- 92.21 Female dogs, restriction
- 92.22 Report to Police Department
- 92.23 Running at large
- 92.24 Annoying dogs prohibited

#### *Cats*

- 92.30 Stray cats

### **GENERAL REGULATIONS**

#### **§ 92.01 CRUELTY TO ANIMALS.**

No person shall cruelly treat or abuse any animal or bird.  
(1990 Code, § 9.81) Penalty, see § 10.99

**§ 92.02 POISONING ANIMALS.**

No person shall throw or deposit any poisonous substance on any exposed public or private place where it endangers, or is likely to endanger, any animal or bird.

(1990 Code, § 9.82) Penalty, see § 10.99

**§ 92.03 BIRDS AND BIRDS' NESTS.**

No person, except a public officer acting in his official capacity, shall molest, injure, kill or capture any wild bird or molest or disturb any wild bird's nest or the contents thereof.

(1990 Code, § 9.83) Penalty, see § 10.99

**§ 92.04 KEEPING OF LIVESTOCK PROHIBITED.**

(A) No cattle or swine shall be kept in any dwelling or part thereof or on the same lot or premises with a dwelling or within 500 feet of a dwelling within any part of the city. Horses shall not be kept closer than 200 feet to any dwelling.

(B) The provisions of this section shall not apply to any public zoo maintained under municipal supervision or to any livestock auction barn lawfully established prior to the effective date of this code or to livestock kept in connection with the operation of a farm in an area designated by the zoning ordinance, or amendments thereto, as an agricultural area.

(C) Violations of this section are declared to be public nuisances and to constitute a threat to the public health.

(1990 Code, § 9.84)

**§ 92.05 WILD ANIMALS.**

(A) *Possession.* No person shall own, possess, or have custody on his premises of any wild animal for display, training, or exhibition purposes, whether gratuitous or for a fee. This section shall not be construed to apply to the American Association of Zoological Parks and Aquariums and their accredited facilities.

(B) *Keeping as pets.* No person shall keep, or permit to be kept, any wild animal as a pet.

(C) *Infant wild animals.* No person shall keep, or permit to be kept, any infant wild animal under any temporary permit or conditions, if the animal is deemed capable of survival.

(1990 Code, § 9.85) (Ord. 385, passed 3-27-1989)

## § 92.06 DANGEROUS ANIMALS.

(A) *Defined.* **DANGEROUS ANIMAL** means any wild mammal, reptile or fowl which is not naturally tamed or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics could constitute a danger to human life or property. The term **DANGEROUS ANIMAL** also means and includes any domestic mammal, reptile or fowl which, because of its size or vicious propensity or other characteristics, could constitute a danger to human life or property.

(B) *Prohibited.* No person shall own or possess a dangerous animal within the city.

(C) *Exceptions.* Division (B) of this section shall not apply to animals under the control of a law enforcement or military agency, nor to animals which are kept for the protection of property, provided that such animals are restrained by a leash or chain, cage, fence or other adequate means from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

(D) *Seizure of animals.* Any dangerous animal which is found off the premises of his owner may be seized by any police officer and immediately turned over to the County Department of Animal Control.

(1990 Code, § 9.86)

## § 92.07 HYBRID FARM ANIMALS.

No person shall own, possess or have in his custody on his premises any hybrid farm animal, including pygmy goats, potbellied pigs, roosters, hens or other hybrid farm fowl as pets or for any other purpose. A violation of this section is a civil infraction (see § 36.06).

(Am. Ord. 505, passed 4-22-2002; Am. Ord. 596, passed 2-28-2011) Penalty, see § 36.06

## § 92.08 COLLECTION AND DISPOSAL OF ANIMAL WASTES.

Any person walking an animal or allowing them access to or on properties not owned by them, private or public, shall be required to collect solid animal wastes immediately and properly dispose of the same. A violation of this section is a civil infraction (see § 36.06).

(Ord. 682, passed 12-11-2023)

***DOGS*****§ 92.20 LICENSE REQUIRED.**

It shall be unlawful for any person to own, maintain, keep or harbor any dog within the city without first procuring a license therefor as prescribed by state law. A violation of this section is a civil infraction (see § 36.06).

(1990 Code, § 9.88) (Am. Ord. 682, passed 12-11-2023)

**§ 92.21 FEMALE DOGS, RESTRICTION.**

It shall be unlawful for the owner or custodian of any female dog to permit such dog off the premises of the owner or custodian when in heat unless the dog is under control and attached to a leash.

(1990 Code, § 9.91) (Am. Ord. 682, passed 12-11-2023) Penalty, see § 10.99

**§ 92.22 REPORT TO POLICE DEPARTMENT.**

If any person is bitten by a dog, it shall be the duty of that person, or the owner or custodian of the dog having knowledge of same, to report same to the Police Department or Clinton County Animal Control within 12 hours thereafter. If the owner or custodian of any dog has any reason to believe or suspect that such dog has become infected with rabies, it shall be the duty of that person to report the same to the Police Department or Clinton County Animal Control within 12 hours thereafter. A violation of this section is a civil infraction (see § 36.06).

(1990 Code, § 9.92) (Am. Ord. 682, passed 12-11-2023)

**§ 92.23 RUNNING AT LARGE.**

It shall be unlawful for the owner, or any other person having the possession, care, custody or control thereof, to permit any dog to run at large upon the public streets, walks, parks, or other public places within the city, unless such dog shall be attached to a leash of sufficient strength to restrain such dog in such manner as to be kept under the control of the person accompanying it.

(1990 Code, § 9.94) Penalty, see § 10.99

**§ 92.24 ANNOYING DOGS PROHIBITED.**

It shall be unlawful for any person to own, harbor or keep any dog which shall cause annoyance or disturbance to persons by frequent and habitual barking, howling or yelping. A violation of this section is a civil infraction (see § 36.06).

(1990 Code, § 9.95) (Am. Ord. 597, passed 2-28-2011)

***CATS***

**§ 92.30 STRAY CATS.**

It shall be unlawful to feed, shelter, or otherwise care for a stray cat that does not reside full time within the home of the owner. A violation of this section is a civil infraction (see § 36.06).  
(Ord. 682, passed 12-11-2023)





## CHAPTER 153: SIGNS

### Section

- 153.01 Purpose
- 153.02 Definitions
- 153.03 Permits
- 153.04 Signs not requiring permits
- 153.05 Permitted signs
- 153.06 Billboard signs
- 153.07 Digital standard
- 153.08 Prohibited signs
- 153.09 General requirements
- 153.10 Maintenance
- 153.11 Nonconforming signs
  
- 153.99 Penalty

### **153.01 PURPOSE.**

The purpose of this chapter is to regulate signs and outdoor advertising in a manner which will minimize their harmful effects while permitting latitude for creative and effective advertising.  
(Ord. 617, passed 1-27-2014; Am. Ord. 675, passed 5-22-2023)

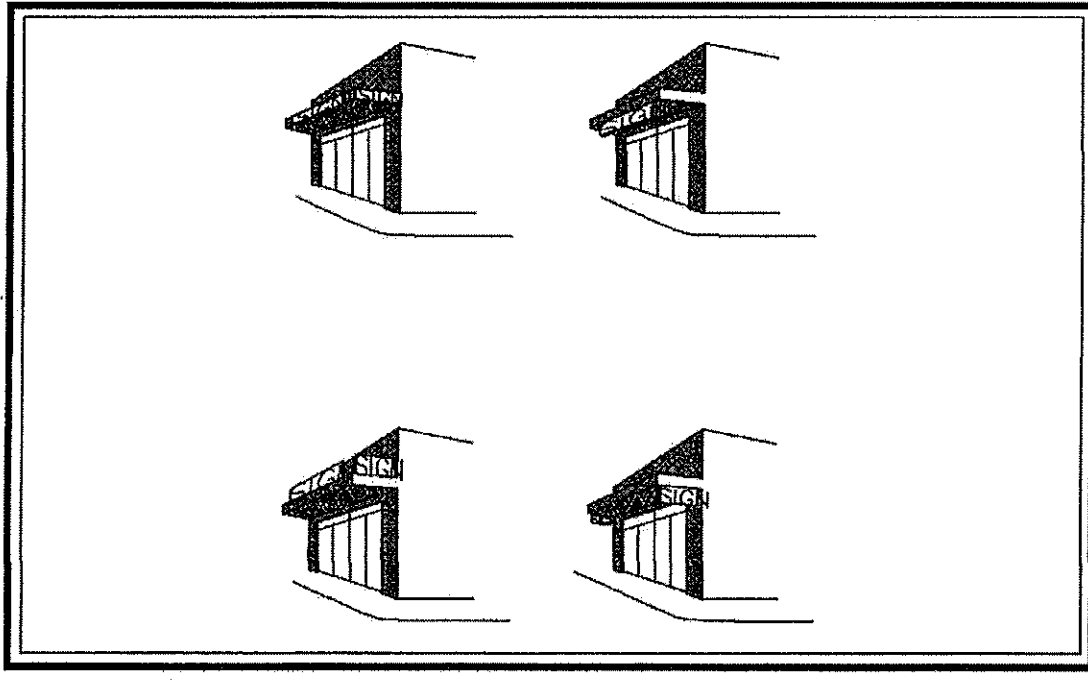
### **§ 153.02 DEFINITIONS.**

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

**FLAG.** A piece of cloth or bunting attached to a pole attached to and perpendicular to the ground, bearing the official design of any unit of government, education institution, fraternal benefit societies, order or organization, or any organization operated exclusively for religious, charitable, scientific, literary, or educational purposes, except when displayed in connection with commercial promotion.

**HEIGHT OF A SIGN.** The vertical distance measured from the ground immediately beneath the sign to the highest point of its structure.

**MARQUEE SIGN.** A display on a marquee or extending above or below a marquee, awning or canopy.



**NONCONFORMING SIGN.** Any sign which does not conform with the provisions of this chapter but which was lawfully existing and maintained within the city prior to and at the time this chapter became effective, or was lawfully in existence and in use on the property inside the city on the date this chapter went into effect.

**PROJECTING SIGN.** Any sign attached to a building which extends more than 15 inches beyond any vertical surface of the building which supports it.

**ROOF SIGN.** Any sign which is attached to a building and any part of which extends above either the top of the building silhouette or any portion of the roof surface.

**SIDEWALK SIGN.** A portable, non-permanent sign placed on a public sidewalk in the Central Business District (CBD) during regular business hours.

**SIGN.** Any device designed to inform or attract the attention of persons not on the premises on which the sign is located; excepting, however, the following which shall not be included within this definition:

- (1) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;

(2) Legal notices; identification, informational, or directional signs erected or required by governmental bodies;

(3) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;

(4) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

**SIGN AREA.** The area of a sign consisting of the entire surface of any regular geometric form, including words, letters and symbols, or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of such area.

**SIGN, OFF-SITE.** A sign other than an on-site sign.

**SIGN, ON-SITE.** A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

**TEMPORARY SIGN.** Any sign which is designed to be transported, including but not limited to signs with wheels, signs with chassis or support constructed without wheels, signs designed to be transported by trailer or wheels, signs converted to an A - or T - frame sign, menu signs or sandwich boards, searchlight stands, pennants, banners or hot air or gas filled balloons used for advertising.

**WALL SIGN.** A sign which is attached directly to, or otherwise inscribed upon, a building wall or the exterior of a window.

**WINDOW SIGN.** Any sign which is permanently or temporarily applied, affixed, or attached to the interior or exterior of any building window.

(Ord. 617, passed 1-27-2014; Am. Ord. 675, passed 5-22-2023)

### § 153.03 PERMITS.

No person shall erect, place, structurally alter, paint, or add to any sign nor attach any sign to an existing sign, which shall either increase the area thereof or constitute a structural alteration thereof or an addition thereto, without first obtaining a permit to do so.

(A) *Application for sign erection permits.* Application for such permit shall be filed upon forms provided by the Zoning Administrator and shall contain the following information:

(1) Name, address, and telephone number of the applicant.

- (2) Location of building, structure or lot to which the sign is to be attached or erected.
  - (3) Position of the sign in relation to nearby buildings, structures, and property lines.
  - (4) A drawing of the plans and specifications and method of construction and attachment to the building or in the ground.
  - (5) Copy of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure in accordance with regulations adopted by the Building Official.
  - (6) Name and address of the person, firm, corporation, or association erecting the structure.
  - (7) Such other information as may be required to show full compliance with this and all other applicable laws of the City of St. Johns and the State of Michigan.
- (B) The Zoning Administrator shall approve the application and provide the applicant with a sign permit if:
- (1) The applicant has paid the required sign permit fees.
  - (2) The applicant has submitted a complete application.
  - (3) The application meets all of the requirements of this chapter.
- (C) *No permit required.* No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message of a sign without change of structure, including a bulletin board or billboard, but not including a sign to which a new permanent face may be attached.  
(Ord. 617, passed 1-27-2014; Am. Ord. 675, passed 5-22-2023)

#### **§ 153.04 SIGNS NOT REQUIRING PERMITS.**

(A) *Signs in residential districts.* On-site signs may be permitted in residential districts as follows:

- (1) One professional sign or name plate sign for a permitted home occupation in the R-3L and R-3H Districts not more than one square foot in area which shall be non-illuminated. The sign must be mounted flat against the residence.
- (2) One non-commercial sign or name plate not more than one square foot in size.

(3) Signs permitted in the residential districts shall not be erected closer to any adjacent street right-of-way line than one-half the setback required for said lot, provided that a non-commercial sign or nameplate may be placed anywhere within the front yard.

(4) Temporary garage sale signs provided that the garage sale is in compliance with the requirements of § 155.183(D) of the City Zoning Ordinance and the sign is removed within one day of the end of the garage sale. Signs shall not be placed within the street right-of-way.

(B) *Signs in all districts.*

(1) *Flags.* Flags shall be permitted in any district provided the top of the flagpole shall be no higher than 35 feet above grade and the height of the flagpole shall be at least eight feet higher than the length of the longest side of the flag, measured from the lowest point of the flag (at relaxed position) to grade. There shall be no more than one flag pole per lot.

(2) Legal notices; identification, informational, or directional signs erected or required by governmental bodies.

(3) Political signs advertising political candidates and/or political and election positions provided that the total area of the sign shall not exceed 14 square feet, and further provided that they shall be removed within five days after said election is completed. Political signs shall be non-illuminated and not to be placed or project into a public right-of-way and shall only be placed on private property with prior permission of the property owner. No political signs shall be placed in such a manner as to obstruct the view of vehicle drivers when leaving or entering a street, driveway or parking space. The painting of any political sign on the exterior of any building or structure is prohibited.

(4) Community special event signs are permitted either on or off the lot on which the special event is held. The display of the signs shall be limited to the ten days immediately preceding the special event which is being advertised and shall be removed within 48 hours of the conclusion of the special event which is being advertised. The signs shall have a maximum size of 32 square feet in area and a maximum height above ground level of six feet. Community special event signs shall be non-illuminated and not to be placed or project into a public right-of-way and shall only be placed on private property with prior permission of the property owner. No community special event signs shall be placed in such a manner as to obstruct the view of vehicle drivers when leaving or entering a street, driveway or parking space.

(5) Sponsor signs are permitted with advertisement limited to the name, address and telephone number of the sponsor. No sponsor signs shall be illuminated and the surface area denoting the sponsor information shall not exceed four square feet in total area. All sponsorship signs shall be removed within seven days after the conclusion of the special event, sporting function, community event or similar functions. All sponsor signs not meeting the aforementioned requirements may be approved by the St. Johns Planning Commission upon submittal of sign information prior to placement of the sponsor sign.

Sponsor signs shall not be placed or project into a public right-of-way and shall only be placed on private property with prior permission of the property owner. No sponsor signs shall be placed in such a manner as to obstruct the view of vehicle drivers when leaving or entering a street, driveway or parking space.

(6) One non-illuminated temporary sign pertaining to the lease or sale of the premises upon which it is placed, not exceeding eight square feet in total area, provided that it shall be removed within seven days after the consummation of a lease or sale transaction.

(7) One non-illuminated temporary sign indicating the name of the architect, developer, financing institution and/or construction company responsible for the construction of a development while construction is in progress. The sign shall be no greater than 12 square feet in size in residential districts and 32 square feet in size in commercial or industrial districts. Project signs for a multi lot or multi-unit residential development may be a maximum of 32 square feet in area. Project signs located on a site for greater than three months shall require a permit and shall be shown on the developments proposed site plan.

(8) *Illumination.* Source of illumination shall not be visible beyond the property line of parcel where sign is located. Canopy signs may not be internally lighted. If sign externally illuminated, the source of the light shall be enclosed and directed to prevent light from shining directly onto traffic or neighboring property.

(C) Sidewalk signs in Central Business District may be permitted in the Central Business District, subject to the following requirements:

(1) Sidewalk signs shall be displayed only during the normal business hours of the business advertised. All sidewalk signs shall be stored indoors at all other times.

(2) Sidewalk signs shall be placed in a location so as not to impede pedestrian traffic or be a hazard to parked vehicles. A continuous path at least five feet in width shall be maintained on the public sidewalk.

(3) Sidewalk signs shall not be placed in a location to impede the visibility of motorists at intersections.

(4) No sign shall exceed a height of 42 inches and a width of 30 inches.

(5) Sidewalk signs shall not be lit artificially or contain any moving parts or displays.

(6) Sidewalk signs shall be removed from the public sidewalk at any time weather conditions render the presence of such signs a hazard because of wind, ice, or snow.

(7) One sidewalk sign is permitted for each storefront. Any sign that advertises a business other than that of the storefront must be granted the permission of the building owner and/or business.

(8) Signs and lettering must be of professional quality. No paper or cardboard signs are permitted. Chalk boards are permitted provided they meet other requirements.

(9) Signs and supports must be maintained and kept painted, sealed or preserved from weather conditions.

(D) Temporary signs shall only be displayed upon receipt of a permit issued by the Zoning Administrator. No temporary sign shall be displayed for more than 15 consecutive days, renewable quarterly. No temporary sign shall exceed 32 square feet and only one temporary sign is permitted per lot. No flashing light or more than one color of light. All temporary signs shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square feet of area. No temporary sign shall be closer than five feet from any property line fronting on a public street. Sign shall be removed immediately upon expiration of permit.

(E) Directional signs shall not exceed two square feet in area and three feet in height and shall be set back at least five feet from any lot line and edge of any driving lane. A directional sign may contain a commercial logo or trademark, not exceeding one-third of the sign size, but not a business name nor commercial message.

(Ord. 617, passed 1-27-2014; Am. Ord. 675, passed 5-22-2023)

### § 153.05 PERMITTED SIGNS.

The following signs for identification of activities and services available on the premises, for providing information relative to the functions of the premises, or for the advertising are allowed by the issuance of a zoning permit with the particular limitations for each use district noted:

SIGN TYPE AND STANDARDS	R-1	R-2	MU	R-3H	MC	GC	CBD	O	I-1	I-2	T
For each recorded residential subdivision or development, 1 identification crest or insignia not to exceed 32 sq. ft. in area, no closer to street or lot line than 30 ft., for no more than 2 years. For non-residential development, any construction sign shall be removed upon issuance of certificate of occupancy for the building.	P	P	P	P							P

SIGN TYPE AND STANDARDS	R-1	R-2	MU	R-3H	MC	GC	CBD	O	I-1	I-2	T
One sign not exceeding 12 sq. ft. for identification of housing developments such as apartment complexes.				P							P
Wall signs or window signs, not projecting over roof line or extending beyond edge of wall, total area of all signs not to exceed 20% of the area of building face or window to which they are attached.			P			P	P				P
Canopy signs or marquee signs not projecting over roof line, not exceeding 20% of the area of canopy face or marquee to which they are attached.			P			P	P				P
One freestanding sign, not to exceed 30 ft. in height or 50 sq. ft. in area. Freestanding signs shall have a clear space of at least 8 feet between the grade and the bottom of the sign to permit an unobstructed view for motorists and pedestrians.			P			P	P				P
Wall signs or window signs, not projecting over roof line or extending beyond wall, total area of all signs not to exceed 10% of the area of building face or window to which they are attached.					P			P			
Canopy signs or marquee signs not projecting over roof line, not exceeding 10% of the area of canopy or marquee to which they are attached.					P			P			
One freestanding sign, not to exceed 10 ft. in height or 24 sq. ft. in area.					P			P			
One freestanding sign up to 24 sq. ft. in area and a wall sign not to exceed 5% of the area of side of building.									P	P	



SIGN TYPE AND STANDARDS	R-1	R-2	MU	R-3H	MC	GC	CBD	O	I-1	I-2	T
Sidewalk signs, not to exceed 42" in height and 30" in width, displayed only during normal business hours of business advertised, and stored indoors at other times. Sidewalk signs not to impede visibility of traffic or impede pedestrian traffic or be a hazard to parked cars. Sidewalk signs not to be lit or contain moving parts. One sidewalk sign permitted per storefront and must be of professional quality and maintained.							P				
Temporary signs, including pennants and banners, no more than 15 consecutive days, no more than once every 3 months, not in the ROW, no flashing light or more than 1 color of light.					P	P	P	P	P	P	P

(Ord. 617, passed 1-27-2014; Am. Ord. 655, passed 1-27-2020; Am. Ord. 675, passed 5-22-2023)

### § 153.06 BILLBOARD SIGNS.

Billboard signs are permitted in the city under the following conditions:

SIGN TYPE AND STANDARDS	R-1	R-2	MU	R-3H	MC	GC	CBD	O	I-1	I-2	T
Billboards, only along state highways and meeting the requirements of the State Highway Advertising Act and further provided that each sign shall be spaced a minimum of 2,000 feet apart.						P	P		P	P	

(Ord. 617, passed 1-27-2014; Am. Ord. 675, passed 5-22-2023)

### § 153.07 DIGITAL STANDARD.

(A) *Purpose and intent.* More businesses desire to utilize advancements in technology which permit signs to change copy electronically (e.g., utilizing an LED type of sign). These newer technologies pose additional risks of impacting adjacent areas and adversely dominating the environment in which they operate unless regulated in a reasonable fashion. The intent of this section is to establish operating standards and regulations for signs which utilize these newer technologies in order to minimize the

secondary effects that often accompany the unregulated display of digital signs, preserve the character and repose of adjacent areas (with a principal focus on residential neighborhoods), protect property values, and reduce traffic hazards caused by undue distractions.

(B) *Display.*

(1) Electronic message boards shall be permitted provided they meet the requirements for illumination and message display as delineated in Chapter 155 of the City Ordinances.

(2) A digital sign may not allow the display or message to change more frequently than once every eight seconds, with a transition period of one second or less. Any electronic message boards that are placed adjacent to residential properties may only switch from one message to another by fading in and out.

(3) A digital sign must have installed an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this chapter.

(4) The maximum brightness levels for all digital signs shall not exceed 0.1 footcandles over ambient light levels measured within 150 feet of the source, consistent with terms of this section. Certification must be provided to the city demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the city in its reasonable discretion, at the owner's expense, to ensure that the specified brightness levels are maintained at all times.

(5) Brightness of digital signs shall be measured as follows:

(a) At least 30 minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This done while the sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the sign area at the pre-set location.

(b) The sign shall then be turned on to full white copy to take another reading with the meter at the same location.

(c) If the difference between the readings is 0.1 foot candles or less, the brightness is properly adjusted.

(6) *Other requirements.*

(a) Any digital message board that will be located within 150 feet of a residential structure must be a freestanding, monument sign not exceeding eight feet in height.

(b) The use, size and location of digital signs must comply with all other relevant regulations and ordinances of the city.

(Ord. 617, passed 1-27-2014; Am. Ord. 675, passed 5-22-2023)

#### **§ 153.08 PROHIBITED SIGNS.**

The following signs are prohibited in the city:

(A) Any signs including window signs with any visible moving, animation, revolving or mechanical parts or movements, or other apparent visible movement achieved by electrical, electronic or mechanical means, including intermittent electrical pulsations, or by action of normal wind current shall not be permitted (excluding time and temperature signs, which are permitted).

(B) Balloons, balloon signs, strings of light bulbs, pennants, streamers, banners, or flags, except for those flags of a non-commercial nature not used for the purpose of commercial advertisement and specifically exempted, or except at the opening of a new business in a commercial or industrial district, for a period not exceeding 15 days. Exterior banner signs and pennant display signs shall be permitted in commercial or industrial districts only to call attention to a sale or promotion of goods sold on the premises, for a period not exceeding 15 consecutive days, each sale or promotion, with a maximum 60 days per calendar year.

(C) Roof signs.

(D) Off-site signs other than approved billboards.

(Ord. 617, passed 1-27-2014; Am. Ord. 675, passed 5-22-2023)

#### **§ 153.09 GENERAL REQUIREMENTS.**

(A) No signs may be placed in or overhang into a public right-of-way other than signs established and maintained by the city, county, state or federal government.

(B) No light pole, utility pole, tree or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.

(C) Signs may not be placed so as to obstruct the clear vision of motorists or pedestrians or be confused with any authorized traffic sign, signal, or device or constitute a nuisance per se.

(D) No commercial vehicle, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be parked in an area abutting the street, unless no other parking area is available.

(Ord. 617, passed 1-27-2014; Am. Ord. 675, passed 5-22-2023)

**§ 153.10 MAINTENANCE.**

All signs for which a permit is required and all supports thereof shall:

(A) Be kept in compliance with the plans and specifications filed and approved for issuance of the sign permit.

(B) Be kept and maintained in a safe condition.

(C) At all times conform to all provisions of this chapter.

(D) The Zoning Administrator has the authority to inspect any sign requiring a permit at any given time to ensure compliance with the requirements of this chapter.

(E) The Zoning Administrator may require the repair or removal of a sign requiring a permit within seven days upon the finding that any of the following conditions exist:

(1) The sign is found to be unsafe.

(2) The sign is in a condition that does not comply with this chapter.

(3) The sign was established as an accessory use for a principal use which has ceased to exist for a period of six months.

(4) The sign is deteriorated and constitutes a blight to the community's appearance. Evidence of deterioration include peeling paint, missing letters, broken or cracked sign face or burned out lights. (Ord. 617, passed 1-27-2014; Am. Ord. 675, passed 5-22-2023)

**§ 153.11 NON-CONFORMING SIGNS.**

Legal, non-conforming signs in existence at the time of the adoption of this chapter shall be removed or brought into conformance with this chapter within seven years of its adoption, with the following exceptions:

(A) Billboard signs.

(B) Signs granted a variance from the requirements of this chapter by the Zoning Board of Appeals. (Ord. 617, passed 1-27-2014; Am. Ord. 675, passed 5-22-2023)

**§ 153.99 PENALTY.**

(A) Unless a section of this chapter specifically provides otherwise, any person, firm, corporation, trust, partnership or other legal entity which violates a provision of this chapter shall be responsible for a municipal civil infraction and shall be fined accordingly.

(B) Each day a violation occurs or continues shall constitute a separate offense; and shall make the violator liable for the imposition of a fine and other penalties for each day of violation.

(C) The owner, co-owner and occupant(s) of any lot which is in violation of a provision of this chapter shall each be responsible for a municipal civil infraction and shall be subject to the fines, costs and orders as provided herein.

(D) Any structure which is erected, altered or converted in violation of any provision of this chapter is declared to be a public nuisance per se, and may be abated by order of court of competent jurisdiction.

(E) Any person or entity who, after having been determined to be responsible for a violation of this section, commits or is found responsible for a subsequent violation within a two-year period, shall be fined double the amount assessed for the immediate preceding violation.

(F) The rights and remedies provided are cumulative and are in addition to any other remedies provided by law.

(G) Nothing herein shall be interpreted to limit the authority of the city to revoke an approval previously granted due to any violations of this chapter, which right is expressly reserved.  
(Ord. 617, passed 1-27-2014; Am. Ord. 675, passed 5-22-2023)



*O Office District*

- 155.110 Purpose
- 155.111 Uses permitted by right
- 155.112 Uses permitted by special use permit
- 155.113 Site development requirements

*I-1 Industrial - High Performance Standards*

- 155.120 Purpose
- 155.121 Uses permitted by right
- 155.122 Uses permitted by special use permit
- 155.123 Application requirements
- 155.124 Use requirements
- 155.125 Area and height requirements

*I-2 Industrial - Liberal Performance Standards*

- 155.130 Purpose
- 155.131 Uses permitted by right
- 155.132 Uses permitted by special use permit
- 155.133 Use requirements
- 155.134 Application requirements
- 155.135 Area and height requirements

*P Off-Street Parking District*

- 155.140 Purpose
- 155.141 Uses permitted by right
- 155.142 Uses permitted by special use permit
- 155.143 Site location and development requirements

*T Transitional District*

- 155.150 Purpose
- 155.151 Uses permitted by permit
- 155.152 Required conditions
- 155.153 Planning Commission requirements
- 155.154 Development plan requirements
- 155.155 Transitional District Overlay description

*Mixed Uses District*

- 155.160 Purpose
- 155.161 Uses permitted by right
- 155.162 Uses permitted by special use permit

*District Regulations - Table of Dimensional Requirements*

- 155.170 Table of dimensional requirements

*Supplementary Regulations*

- 155.180 One building per lot
- 155.181 Unsafe buildings
- 155.182 Prohibition of use of structures for temporary dwelling
- 155.183 Temporary uses permitted
- 155.184 Accessory buildings
- 155.185 Single-family dwelling regulations
- 155.186 Excavation of top soil
- 155.187 Fences, walls or screens
- 155.188 Visibility controls
- 155.189 Accessory buildings and structures - regulations
- 155.190 Structure completion
- 155.191 Exterior/interior lighting
- 155.192 Soils, excavations, grading and filling
- 155.193 Construction or contracts under permits issued prior to this chapter
- 155.194 Performance standards
- 155.195 Commercial outdoor display sales or storage
- 155.196 Aesthetic compatibility of commercial development
- 155.197 Setback requirements for pools
- 155.198 Collection boxes
- 155.199 Minimum dwelling unit size
- 155.200 Keeping of animals

*General Exceptions*

- 155.210 Essential services
- 155.211 Voting place
- 155.212 Exception to required lot area for residential districts
- 155.213 Average front yard
- 155.214 Yard encroachments permitted
- 155.215 Supplementary height regulations; permitted exceptions



**HOUSEHOLD PETS.** Animals or fowl ordinarily permitted in the house, and kept for company or pleasure, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a kennel as defined in this chapter.

**HOUSEKEEPING UNIT.** A dwelling unit organized as a single entity in which the members share common kitchen facilities and have access to all parts of the dwelling.

**INCARCERATED.** A person currently serving a criminal sentence in a county, state, or federal correctional facility.

**INCINERATOR.** A mechanical device and/or inclosing structure for the burning of refuse, collected or produced on the site.

**INDUSTRY.** An extraction, production, processing, testing, cleaning, repair, storage, or distribution of commodities.

**INTENSITY OF LAND USE.** A ratio relating the total floor area of buildings to a unit of land area.

**JUNK YARD.** A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment. The following are not included in this definition:

- (1) Places where such uses are conducted entirely within a completely enclosed building;
- (2) The sale of used vehicles in operable condition; and
- (3) The sale of salvaged materials incidental to manufacturing operations.

**KENNEL.** Any premises on which four or more dogs, four months old or older, are kept.

**LIGHT SOURCE.** Any devise or fixture producing artificial light including those parts and surfaces of reflectors, refractors, globes, baffles, shades, and hoods upon which the light falls.

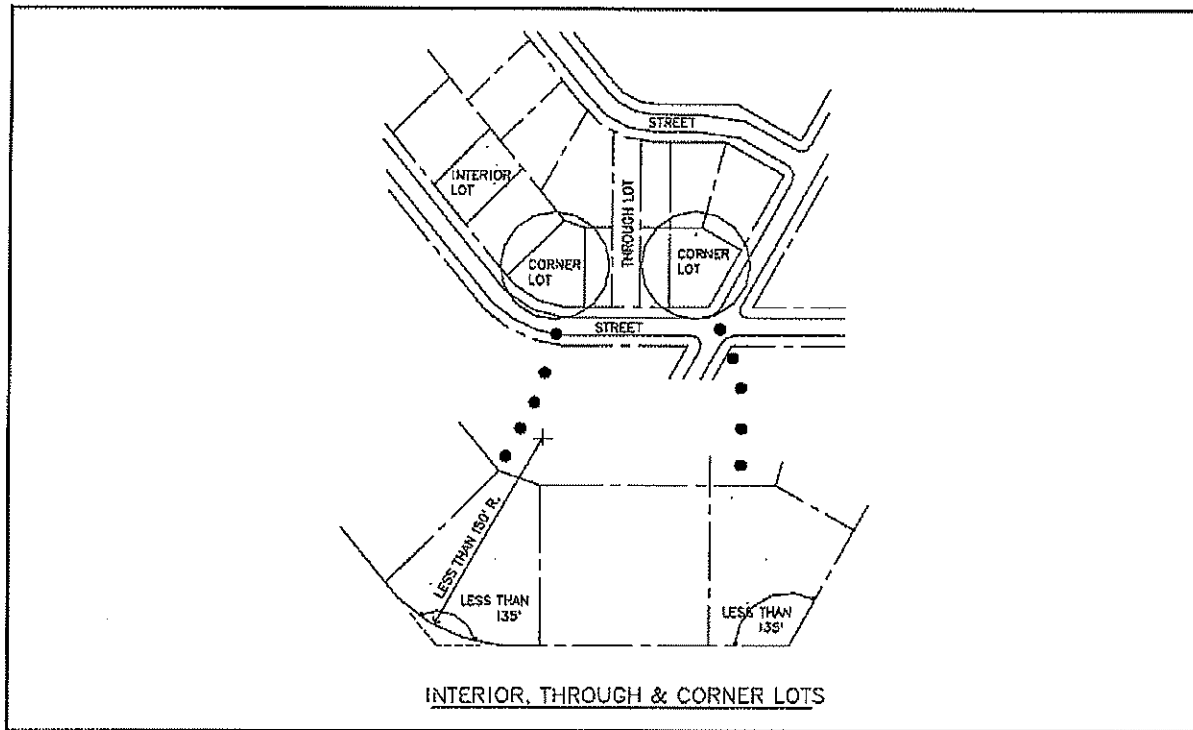
**LOADING BERTH.** A facility used and/or designed for receiving cargo from or discharging cargo into a vehicle.

**LOT.** A parcel of land occupied or capable of being occupied by a land use, building, structure, or group of buildings together with such yards, open spaces, lot width, and lot area, as are required by the chapter.

**LOT, CORNER.** A lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the

tangents to the curve at its points beginning within the lot or at the points of intersection of the side lines with the street lines intersect at an interior angle of less than 135 degrees. (See Figure 3-3.)

**Figure 3 - 3**



**LOT, DEPTH OF.** The mean horizontal distance between the rear and front lot lines.

**LOT, INTERIOR.** Any lot other than a corner lot. (See Figure 3-3.)

**LOT LINES.** The lines of demarcation between the properties of different owners or between any privately owned property and any street, alley, park or other public land, or the lines of demarcation between lots as recorded on a subdivision plat.

**LOT OF RECORD.** A lot which actually exists in a subdivision plat or condominium plan as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**LOT, SIDE OF.** That edge of a lot not designated as front or rear.

**LOT, WIDTH OF.** The distance between side lot lines measured at the intersection of those lot lines and the street right-of-way. In the case of a corner lot it shall be the distance between the side lot line and the edge of the street right-of-way. In the case of a cul-de-sac or curvilinear street, the setback shall be measured at the required front setback line. (See Figure 3-4.)

**TRADE SCHOOL.** An educational or training establishment designed and operated for learning specific non-office skills or vocations, generally of a manual nature.

**TRAFFIC.** Vehicles in motion, unless otherwise modified (e.g., pedestrian traffic).

**TOWNHOUSE.** A building containing two or more dwelling units, with individual rear yards and/or front yards designed as an integral part of each one family dwelling unit.

**USABLE OPEN SPACE.** Yard space exclusive of the required front and side yards on a residential lot reserved for and devoted to the admittance of light and air and semi-private outdoor activities, and effectively separated from automobile circulation and parking.

**USE.** If not otherwise modified, the activity by humans, or consequent to human initiation or taking place; the remaining manifestations of such past activity.

**VARIANCE.** An authorization permitting change in the requirements of this chapter by the Zoning Board of Appeals in cases where the general requirements of this chapter and the literal enforcement of such would result in an unnecessary and undue hardship upon the variance applicant.

**YARD.** A space on the same lot with a building, unoccupied and unobstructed from the ground upward, except for certain specified building projections.

**YARD, FRONT.** A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than certain specified building projections. In the case of a corner lot, the front yard will be one of the two sides of the lot fronting on a street that is designated as the front yard by the property owner at the time of applying for a zoning permit.

**YARD, REAR.** A yard extending across the back of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear line of the main building or any projection thereof, other than certain building projections.

**YARD, SIDE.** A yard between the main building and the side line of the lot, and extending from the front yard or street line if there is no front yard required, to the rear yard, or the rear lot line if there is no rear yard required, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereof, other than certain building projections.

**ZONING ADMINISTRATOR.** That person or persons duly charged by the appropriate appointing authority with the responsibility for executing and administering this chapter.

**ZONING LOT.** A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon

as a unit, under single ownership or control. A zoning lot may be subsequently subdivided into two or more zoning lots. A zoning lot, therefore, may or may not coincide with a lot as shown on any recorded subdivision plat or deed.

(Ord. 616, passed 9-23-2013; Am. Ord. 626, passed 8-22-2016; Am. Ord. 627, passed 8-22-2016; Am. Ord. 642, passed 4-23-2018; Am. Ord. 665, passed 12-13-2021; Am. Ord. 679, passed 8-28-2023; Am. Ord. 681, passed 12-11-2023)

### ***DISTRICT REGULATIONS - GENERAL***

#### **§ 155.010 ESTABLISHMENT OF DISTRICTS.**

In order to carry out the objectives of this chapter, the city is hereby divided into districts of different types, each type being of such number, shape, kind and area, and of such common unity of purpose and adaptability of use that are deemed most suitable to carry out the objectives of this chapter. (Ord. 616, passed 9-23-2013)

#### **§ 155.011 TYPES OF DISTRICTS.**

R-1 District	Low Density Residential
R-2 District	Medium Density Residential
R-3 District	Multi-Family Residential
R-MH District	Mobile Home Residential
CBD District	Central Business
MC District	Municipal Center
GC District	General Commercial Business
I-1 District	Industrial, High Performance Standards
I-2 District	Industrial, Liberal Performance Standards
O District	Offices
P District	Parking
T District	Transitional
MU District	Mixed Uses

(Ord. 616, passed 9-23-2013; Am. Ord. 665, passed 12-13-2021)

(1) The director shall have the right to revoke any permit issued hereunder for a violation of this section. Any of the grounds upon which the director may refuse to issue an initial permit shall also constitute grounds for such revocation. In addition, the failure of the permittee to comply with the provisions of this section or other provisions of this Code or other law shall also constitute grounds for revocation of the permit. The director shall provide a written notification to the permittee and property owner stating the specific grounds for a revocation and a demand for correction and abatement. The notice shall allow a maximum of ten days from mailing of the notice to correct or abate the violation. Upon failure to make the correction or abatement, the permit shall be revoked by the director and, thereafter, the permittee shall not be eligible for a permit on the property for the subsequent calendar year.

(2) Upon revocation, the collection box shall be removed from the real property within ten days and, if not so removed within the time period, the city may remove, store or dispose of the collection box at the expense of the permittee and/or real property owner. All costs associated with the removal of the collection box incurred by the city, or the city's contractor shall be the responsibility of the property owner. If such obligation is not paid within 30 days after mailing of a billing of costs to the property owner, the city may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this state against the property and collected as in the case of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the city, the amount shall be assessed as a special tax against such premises on the next assessment roll and collected thereunder.

(3) A permit for a collection box may be revoked if any governmental authority or agency determines that the collection box has violated the Michigan Consumer Protection Act and/or the Charitable Organizations and Solicitations Act.

(G) *Appeal to Zoning Board of Appeals.* Any person aggrieved by the decision rendered by the director in granting or denying an application for a permit under this section or in revoking a permit issued under this section may appeal the decision to the Zoning Board of Appeals. The appeal shall be made by filing a written notice of appeal not later than ten days after receiving notice of the decision of the director with the Department of Community Development setting forth the grounds for the appeal. The Zoning Board of Appeals may grant relief if the applicant presents clear and convincing evidence that there was an error in the decision of the director.

(H) *Penalty and remedies.*

(1) In addition to revocation of permit pursuant to division (F), any person violating the provisions of this section is guilty of a civil infraction.

(2) In addition to the penalty provided in division (1) above, any condition caused or permitted to exist in violation of the provisions of this section, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.

(3) Nothing in this section shall prevent the city from pursuing any other remedy provided by law in conjunction with or in lieu of prosecuting persons under this division for violation of this section.

(4) The real property owner and permittee shall be jointly and severally liable for each violation and for payment of any fine and costs of abatement.

(5) No fines shall be imposed for a violation of this section until 90 days after its effective date. All collection boxes existing at the effective date of this section shall apply for a permit as required herein within 30 days of the effective date. Any collection boxes not in compliance with this section after 90 days of the effective date shall be subject to all remedies for violation as provided herein. (Ord. 624, passed 12-14-2015)

#### **§ 155.199 MINIMUM DWELLING UNIT SIZE.**

The minimum gross floor area of any dwelling unit in the city shall be 500 square feet. (Ord. 661, passed 3-8-2021)

#### **§ 155.200 KEEPING OF ANIMALS.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context indicates or requires a different meaning.

**DOMESTICATED ANIMALS.** Animals taken care of in their day-to-day needs by humans.

**EXOTIC OR WILD ANIMAL.** Any animal not commonly domesticated in Michigan that is kept as a pet, raised for slaughter, or used for agricultural purposes, especially animals that pose a clear and present danger to humans. The following animals shall be considered **EXOTIC OR WILD ANIMALS** in all instances: big cats, venomous snakes, birds of prey, primates, deer, racoons, and opossums.

**LIVESTOCK.** A domesticated animal raised for slaughter or kept for the purposes of contributing to an agricultural use through labor, breeding, or the production of milk, eggs, manure, wool, or other animal-based products. The following animals shall be considered **LIVESTOCK** in all instances: cattle, horses, pigs, sheep, goats, turkeys, and chickens.

(B) All domesticated animals must be kept in safe and sanitary conditions appropriate to their species and in compliance with all county, state, and federal standards.

(C) The following domesticated animals may be kept on a residentially zoned lot:

(1) *Livestock.*

(a) A zoning permit shall be required to keep livestock on a lot. The Zoning Administrator shall have the jurisdiction to determine that an animal is considered livestock under this section, based on the definition in division (A). Appeals of the decision of the Zoning Administrator shall be to the Zoning Board of Appeals.

(b) Livestock with fur shall be prohibited within 500 feet of any dwelling unit. Examples include, but are not limited to: cattle, sheep, and horses.

(c) *Chickens.* Chickens shall only be permitted in the following circumstances:

1. Chickens shall only be permitted in the R-1, R-2, and R-3 Zoning Districts.

2. Lots under one acre shall be permitted to have up to four chickens. Lots over one acre shall be permitted to have up to six chickens.

3. Roosters shall not be permitted.

4. The slaughtering of any chicken is prohibited.

5. Chickens must be kept within a covered enclosure, including a coop and a run, at all times. Chickens shall not be allowed to roam the lot or any other property. The covered enclosure shall be exempt from the standards governing fences in § 155.187 and shall instead be subject to the regulations of this section.

6. The enclosed area where the chickens are kept, including the coop and the run, must meet the following standards:

A. It shall not be located in a front yard.

B. It shall be set back at least ten feet from any lot line and any residence on the same lot as the chicken enclosure.

C. It shall be set back at least 40 feet from any residence that is not on the same lot as the chicken enclosure.

D. It shall not exceed the maximum allowable height for a detached accessory structure in the zoning district it is located within.

E. It shall count as a structure for the purpose of calculating the maximum permitted lot coverage.

F. It shall be maintained in a clean and neat matter at all times.

G. The following materials shall not be used to construct the enclosure area: tarps, plastic, fabric, rubber, paper, cardboard, or other non-traditional building materials.

H. Chicken feed must be kept in rodent-proof, sealed containers.

(d) *Bees*. Bees may be kept on any lot, provided the bee enclosure is located in the rear yard and is set back at least 20 feet from any lot line.

(D) *Exotic or wild animals*. Exotic or wild animals shall not be kept as domesticated animals anywhere in the city. See Chapter 92.

(E) *Kennels*. See § 155.437.  
(Ord. 678, passed 8-28-2023)



(I) No repetitive servicing by truck of supplies, or products or materials shall be required by the home occupation.

(J) In the R-3 District the above criteria shall apply with the following exceptions:

(1) The occupation shall utilize no more than 30% of the ground floor area of the structure, but not to exceed 300 square feet.

(2) The home occupation shall involve no more than one employee other than members of the immediate family residing on the premises.

(3) There shall be no external evidence of such occupations except a small announcement or identification sign which shall be non-illuminated and not more than one square foot in area.  
(Ord. 616, passed 9-23-2013; Am. Ord. 665, passed 12-13-2021)

#### **§ 155.433 HOSPITAL FACILITIES SERVING PSYCHIATRIC AND INCARCERATED PATIENTS.**

Hospital facilities for the purpose of serving psychiatric and incarcerated patients are a permitted by special use permit in the MC District provided:

(A) The total number of beds used for treating incarcerated patients does not exceed 20% of the total beds available at the hospital.

(B) Legal non-conforming facilities will not be required to obtain a special use permit unless they expand beyond the current number of beds being used for the care of psychiatric or incarcerated patients.

(C) The applicant shall demonstrate adequate provisions for securing those areas used for the treating of psychiatric or incarcerated patients.

(D) If the use for which this permit is issued is discontinued or reduced in size to an extent that a special use permit is not required for a period of one year, reestablishment or re-expansion of the use shall require approval of a new special use permit.  
(Ord. 616, passed 9-23-2013; Am. Ord. 679, passed 8-28-2023)

#### **§ 155.434 HOTELS AND MOTELS.**

(A) Off-street parking must be provided for hotels and motels in the CBD District.

(B) *Location.* The site for a motel or hotel shall be located with direct access to and frontage on a major city street.  
(Ord. 616, passed 9-23-2013)

**§ 155.435 INFILL PLANNED UNIT RESIDENTIAL DEVELOPMENT.**

Infill planned unit residential developments are permitted in the R-2, R-3 Districts by special use permit to allow the creative redevelopment of previously platted infill sites in a way that respects the surrounding community while allowing financially viable redevelopment provided:

(A) The proposed site must be a group parcel or group of parcels under single ownership at least one acre in size and be in an area previously platted and/or developed.

(B) The uses permitted in the infill planned unit residential development are limited to these uses permitted by right or special use permit in the zoning district in which it is located.

(C) The Planning Commission, in approving the infill planned unit residential development may alter the site development and design requirements of the district if it determines that such change is necessary to promote the effective reuse of the infill site. Any alterations are not intended to permit an overall density of dwelling units than would be permitted based on the minimum lot size of the district in which the parcel is located.

(Ord. 616, passed 9-23-2013; Am. Ord. 665, passed 12-13-2021)

**§ 155.436 JUNK YARDS, AUTOMOBILE WRECKING OR SALVAGE.**

Junk yards, automobile wrecking or salvage shall be permitted by special use permit in the I-2 District provided:

(A) Shall be established and maintained in accordance with all applicable State of Michigan Statutes.

(B) Shall be fenced around the entire periphery of the property in use with a solid screen no less than eight feet high, of sound construction, painted, or otherwise finished neatly and inconspicuously. No sign, advertising, lettering, or other display may be placed on such screen fence.

(C) All activities shall be confined within the fenced-in area. No equipment or material shall be used or stored outside the fenced-in areas.

(D) Fences shall be set back 100 feet from all streets or highways.

(E) No open burning shall be permitted.

(F) The site shall be located with direct access to and frontage on a primary thoroughfare as designated in the Community Development Plan.

(Ord. 616, passed 9-23-2013)

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
		<p>cor of said sec; th alg E-W ¼ LN S89°23'31"E 298.76 ft to the intersection of said E-W ¼ ln and physical centerline of St Johns Big Ditch; th alg said centerline for the following ten (10) courses; S01°36'30"W 27.05 FT; th S14°30'09"E 110.39 FT; th S59°44'23"E 44.08 ft; th S59°18'23"E 104.86 ft; th S61°37'17"E 135.60 ft; th S61°12'07"E 117.11 ft; th S58°19'35"E 94.38 ft; th S06°08'12"E 74.50 ft; th S06°25'15"W 186.50 ft; th S06°30'05"W 308.43 ft; th N89°52'14"W 685.93 ft to the n-s ¼ ln of said sec 4; th alg said n-s ¼ ln N01°21'14"W 947.80 ft to pob;</p> <p>The premises hereinafter described shall be zoned I-1 (Industrial, High Performance Standards). The legal description of the affected zoning is as follows: beg at S ¼ cor of Sec 4, T7N R2W, Bingham Twp., Clinton County, Michigan; th N01°21'08"W 2674.52 ft alg the N &amp; S ¼ ln of said sec to the ctr of said sec; th S89°23'31"E 1351.41 ft alg the E &amp; W ¼ ln of said sec; th S00°48'51"E 2667.12 ft alg the E Ln of the W ½ of the SE ¼ of said sec; th N89°40'47"W 554.14 ft alg the S Ln of said sec; th N00°19'13"E 427.43 ft; th N89°40'47"W 282.21 ft; th S0636'09"W 430.02 ft alg the centerline of the St Johns Big Ditch and Town Ditch Extension County Drain; th N89°40'47"W 447.74 ft alg the S Ln of said section to pob.</p>
546	12-12-2005	<p>Changing the zoning classification for the northwest corner of Outlot K from MC (Municipal Center) to O (Office).</p>

## St. Johns - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
557	9-25-2006	Changing the zoning classification of the property commencing at a point on the west line of Section 21 from MC (Municipal Center) to R-1 (Low-Density Residential).
582	9-14-2009	Changing the zoning classification of certain property described as the north half of the vacated street, Block 35, original plat, City of St. Johns, from R-2 (Medium-Density Residential) to MC (Municipal Center).
584	11-9-2009	Changing the zoning classification of certain property described as Lots 1 and 2, Francis Lynd's Addition to the City of St. Johns, from I-1 (Industrial-High Performance Standards) to R-2 (Medium-Density Residential).
674	5-22-2023	Changing the zoning classification of the real property located at 709 E. Gibbs Street from GC (General Commercial) to R-3 (High Density Residential).
680	9-12-2023	Changing the zoning classification of the real property located at 200 and 206 E. Railroad Street, 207 and 209 E. Higham Street and 301 N. Oakland Street from R-3 (Multi-Family Residential) to CBD (Central Business) on a conditional basis as set forth in the Conditional Rezoning Agreement attached to Ord. 680.

## REFERENCES TO MICHIGAN COMPILED LAWS ANNOTATED

<i>M.C.L.A. Section</i>	<i>Code Section</i>
15.231—15.246	150.066
15.261—15.275	150.066
15.362 <i>et seq.</i>	37.10
24.201—24.328	70.05
28.451 <i>et seq.</i>	135.02
54.211	154.08
117.5c	32.01
125.1401 <i>et seq.</i>	35.01
125.1415a(1)	35.06
125.1415a(6)	35.06
125.1501—125.1531	150.029
125.1502a <i>et seq.</i>	150.020
125.31 <i>et seq.</i>	154.04, 154.05
125.31—125.45	151.15
141.121	51.10, 51.10
211.1—211.157	150.063
211.2 <i>et seq.</i>	31.02
211.741 <i>et seq.</i>	34.08
257.1 <i>et seq.</i>	135.02
257.1—257.909	70.02
257.252a	73.11
324.3101 <i>et seq.</i>	54.01
324.11103	98.01
325.1001—325.1023	52.49
333.1101 <i>et seq.</i>	52.50
333.20106	111.05
333.20904	111.05
333.26421 <i>et seq.</i>	118.03
333.7101 <i>et seq.</i>	139.01
338.2301—338.2313	150.066
339.2401—339.2518	150.061
436.1101 <i>et seq.</i>	111.01
436.1703(8)	111.05
436.1703(15)	111.05

## St. Johns - Parallel References

<i>M.C.L.A. Section</i>	<i>Code Section</i>
445.471 <i>et seq.</i>	113.01
445.501 <i>et seq.</i>	113.01, 113.02
445.901 <i>et seq.</i>	115.01
460.701 <i>et seq.</i>	117.04
484.2102	116.03
559.101 <i>et seq.</i>	154.08
560.101 <i>et seq.</i>	154.05, 154.08, 154.46
560.101—560.293	154.04
560.108	154.05
560.109	154.05
560.112	154.28
560.112—560.119	154.30
600.101 <i>et seq.</i>	36.01, 117.99
600.8395	71.01
600.8396	36.01
600.8701 <i>et seq.</i>	10.99
600.8705	36.03
600.8707(6)	36.01
722.1—722.6	111.05
750.167	134.04
750.167(j)	136.04
750.167(1)(c)	136.06
750.167(1)(d)	136.04
750.520b—750.520g	111.05
750.540c	132.03
750.540e	132.03
1415a	35.09
1415a(5)	35.08

<i>1990 Code Section</i>	<i>New Code Section</i>
1.232	35.02
1.233	35.03
1.234	35.04
1.235	35.05
1.236	35.06
1.237	35.07
1.238	35.08
1.239	35.09
2.31	52.01
2.32	52.20
2.33	52.21
2.34	52.22
2.35	52.23
2.36	52.24
2.37	52.25
2.38	52.26
2.39	52.40
2.40	52.41
2.41	52.42
2.42	52.02
2.43	52.43
2.44	52.44
2.45	52.45
2.46	52.46
2.47	52.47
2.48	52.48
2.49	52.49
2.81	53.01
2.82	53.20
2.83	53.21
2.84	53.22
2.85	53.23
2.87	53.45
2.88	53.46
2.89	53.47
2.90	53.48

**St. Johns - Parallel References**

<i>1990 Code Section</i>	<i>New Code Section</i>
2.92	53.60
2.93	53.61
2.94	53.62
2.95	53.63
2.96	53.64
2.97	53.65
2.99	53.24
2.101	53.27
2.102	53.28
2.103	53.29
2.104	53.30
2.105	53.31
2.106	53.32
2.107	53.33
2.108	53.34
2.110	53.80
2.111	53.81
2.112	53.82
2.113	53.83
2.114	53.84
2.121	51.01
2.122	51.02
2.123	51.03
2.124	51.04
2.125	51.05
2.126	51.06
2.127	51.07
2.128	51.08
2.129	51.09
2.130	51.10
2.132	51.11



<i>1990 Code Section</i>	<i>New Code Section</i>
3.1	90.01
3.2	90.02
3.3	90.03
3.4	90.04
3.5	90.05
3.6	90.063.790.07
3.31	96.01
3.32	96.02
3.33	96.03
3.34	96.04
3.35	96.05
3.36	96.06
3.37	96.07
3.38	96.08
3.39	96.09
3.40	96.10

**St. Johns - Parallel References**

<i>1990 Code Section</i>	<i>New Code Section</i>
3.41	96.11
3.42	96.10
3.43	96.10
3.44	96.10
3.45	96.12
3.46	96.13
3.47	96.14
4.1	95.20
4.2	95.21
4.3	95.22
4.4	95.23
4.5	95.24
4.6	95.25
4.7	95.26
4.8	95.27
4.9	95.28
4.10	95.29
4.11	95.30
4.12	95.31
4.13	95.32
4.14	95.33
4.15	95.34
4.16	95.35
4.17	95.36
4.18	95.37
4.19	95.38
4.20	95.39
4.21	95.40

<i>1990 Code Section</i>	<i>New Code Section</i>
9.10	93.20
9.11	93.21
9.12	93.21
9.21	93.03
9.22	93.03
9.23	93.35
9.24	93.36
9.25	93.37
9.26	93.38
9.41	93.50
9.42	93.51
9.43	93.52
9.44	93.53
9.45	93.54
9.61	94.02
9.62	94.01
9.63	94.03
9.64	94.04
9.81	92.01
9.82	92.02
9.83	92.03
9.84	92.04
9.85	92.05
9.86	92.06
9.88	92.20
9.91	92.21
9.92	92.22
9.94	92.23
9.95	92.24
9.101	130.01
9.103	136.06
9.104	130.02
9.107	131.01
9.108	131.02
9.109	132.01
9.110	132.02

## St. Johns - Parallel References

<i>1990 Code Section</i>	<i>New Code Section</i>
9.111	132.03
9.113	133.01
9.114	133.02
9.115	133.03
9.116	134.01
9.117	134.02
9.118	134.03
9.120	134.04
9.120.1	134.05
9.120.2	134.06
9.120.3	134.07
9.120.4	134.08, 134.09
9.120.6	135.01
9.120.7	135.02
9.120.8	135.03
9.120.9	136.01
9.120.10	136.02
9.120.11	136.03
9.120.12	136.04
9.120.13	136.05
9.120.14	137.01
9.121	111.01
9.122	111.02
9.123	111.03
9.124	111.04
9.125	111.05
9.126	111.06
9.127	111.07
9.128	111.08
9.131	111.09
9.132	111.09
9.133	111.09
9.134	111.09
9.135	111.09
9.136	111.09
9.151	91.01
9.152	91.02
9.153	91.03
9.154	91.04

<i>1990 Code Section</i>	<i>New Code Section</i>
9.155	91.05
10.51	71.01
10.52	71.03
10.53	71.04
10.54	71.05
10.55	71.06
10.56	71.07
10.57	71.02
10.58	71.08
10.59	71.10
10.60	71.11
10.61	71.12
10.62	71.13
10.81	73.01
10.82	73.02
10.83	73.02
10.84	73.02
10.85	73.02
10.86	73.03
10.87	73.04
10.88	73.05
10.89	73.06
10.90	73.07
10.91	73.08
10.92	73.09
10.93	73.10
10.94	73.11
Chapter 72	110.21



## REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
367	12-18-1986	93.35—93.38
368	1-12-1987	150.029
369	1-12-1987	150.080—150.084
375	8-10-1987	51.06
376	12-14-1987	51.07
382	10-10-1988	150.029
385	3-27-1989	92.05
396	5-28-1991	T.S.O. I
397	6-24-1991	T.S.O. III
401	6-22-1992	150.095—150.098, 150.999
409	2-8-1993	91.01
411	3-22-1993	30.01
412	5-24-1993	T.S.O. III
413	6-14-1993	T.S.O. III
415	7-12-1993	72.01—72.03, 72.99
403	8-10-1993	91.07
417	9-27-1993	T.S.O. II
419	11-22-1993	138.01
420	3-28-1994	T.S.O. III
421	6-13-1994	T.S.O. III
422	9-12-1994	71.09
424	12-12-1994	T.S.O. III
425	12-12-1994	T.S.O. I
426	1-23-1995	53.25, 53.66
427	1-23-1995	52.24, 52.27
429	3-13-1995	93.21
430	4-24-1995	T.S.O. III
431	5-8-1995	33.20
432	5-8-1995	98.03, 98.04
462	5-8-1995	98.01, 98.02
437	2-12-1996	91.06
438	4-22-1996	T.S.O. III
540	5-13-1996	51.10
443	8-12-1996	T.S.O. III

## St. Johns - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
447	10-14-1996	T.S.O. III
450	3-10-1997	T.S.O. III
451	3-10-1997	T.S.O. III
453	6-23-1997	T.S.O. III
455	7-14-1997	150.110—150.113, 150.999
460	10-13-1997	72.02
461	10-13-1997	111.05
462	10-13-1997	71.04—71.06
463	11-10-1997	52.50
464	11-24-1997	71.08
466	3-23-1998	111.08
467	9-14-1998	T.S.O. III
468	11-9-1998	T.S.O. III
470	11-9-1998	T.S.O. I
472	3-22-1999	T.S.O. II
473	4-26-1999	T.S.O. III
475	6-14-1999	T.S.O. III
476	7-12-1999	T.S.O. III
482	2-28-2000	150.029
483	5-8-2000	T.S.O. III
484	6-26-2000	139.01, 139.02, 139.99
485	7-10-2000	70.01—70.04, 70.99
486	8-14-2000	T.S.O. III
487	8-14-2000	T.S.O. III
488	8-14-2000	72.03
489	8-14-2000	73.01
490	10-9-2000	32.55
492	11-13-2000	T.S.O. III
493	12-11-2000	T.S.O. III
494	12-11-2000	T.S.O. III
495	12-11-2000	T.S.O. III
496	12-11-2000	T.S.O. III
497	12-11-2000	T.S.O. III
498	6-11-2001	T.S.O. III
501	8-27-2001	150.029
499	9-10-2001	10.99
500	9-10-2001	36.01—36.06
505	4-22-2002	92.07
506	4-22-2002	71.09



<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
509	4-22-2002	154.01—154.09, 154.25—154.30, 154.45—154.50, 154.65—154.68, 154.70, 154.71, 154.99
507	5-13-2002	94.02
508	5-28-2002	150.130—150.132
511	6-24-2002	30.06
513	8-12-2002	T.S.O. III
518	10-14-2002	51.03, 51.04
520	4-14-2003	51.01, 51.03, 51.04
521	4-28-2003	35.20—35.26
522	6-9-2003	150.130—150.132
525	8-11-2003	133.01
529	5-24-2004	35.20
531	9-13-2004	T.S.O. III
532	10-25-2004	151.75—151.82
533	1-10-2005	151.80
534	1-10-2005	T.S.O. II
535	1-24-2005	150.045
540	7-16-2005	151.83
542	7-11-2005	Adopting Ordinance
543	8-8-2005	35.10
544	8-8-2005	35.10
545	7-25-2005	T.S.O. II
546	12-12-2005	T.S.O. III
547	5-8-2006	Adopting Ordinance
549	5-8-2006	150.060—150.067
550	5-22-2006	73.12
551	5-22-2006	72.99
553	6-26-2006	93.50—93.52
557	9-25-2006	T.S.O. III
558	9-25-2006	72.03
559	9-25-2006	73.06
560	10-23-2006	52.40
563	1-22-2007	Adopting Ordinance
564	1-22-2007	52.44
565	3-12-2007	74.01
569	7-9-2007	30.06
571	1-14-2008	Adopting Ordinance

## St. Johns - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
573	2-25-2008	151.79
575	3-10-2008	71.08
576	4-28-2008	36.07
577	7-14-2008	Adopting Ordinance
578	10-13-2008	132.99
579	11-10-2008	32.70
580	3-9-2009	117.01—117.07, 117.99
581	6-22-2009	Adopting Ordinance
582	9-14-2009	T.S.O. III
583	10-26-2009	32.35-32.39
584	11-9-2009	T.S.O. III
586	12-14-2009	53.01, 53.02, 53.20—53.34, 53.45—53.48, 53.60—53.66, 53.80—53.84
588	2-22-2010	53.24
589	6-28-2010	150.024
590	6-28-2010	Adopting Ordinance
594	10-25-2010	133.04
595	1-24-2011	110.22
596	2-28-2011	92.07
597	2-28-2011	92.27
598	2-28-2011	70.02
599	6-13-2011	150.145
600	6-27-2011	Adopting Ordinance
601	8-22-2011	33.22
603	11-28-2011	52.49
604	3-12-2012	134.10
606	6-25-2012	135.02, 135.99
607	9-10-2012	95.10—95.14
608	9-10-2012	T.S.O. II
609	10-8-2012	91.07
610	11-26-2012	Adopting Ordinance
612	1-14-2013	97.01—97.10
613	2-11-2013	T.S.O. I
614	2-9-2015	35.10

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
616	9-23-2013	155.001—155.004, 155.010—155.017, 155.030—155.033, 155.040—155.043, 155.050—155.053, 155.070—155.073, 155.080—155.083, 155.090—155.093, 155.100—155.102, 155.110—155.113, 155.120—155.125, 155.130—155.135, 155.140—155.143, 155.150—155.155, 155.160—155.162, 155.170, 155.180—155.186, 155.188—155.198, 155.210—155.215, 155.230—155.240, 155.255—155.261, 155.275—155.282, 155.295—155.304, 155.320—155.324, 155.340—155.345, 155.360—155.371, 155.385—155.389, 155.400—155.405, 155.415—155.441, 155.443—155.448, 155.999
617	1-27-2014	153.01—153.11, 153.99
619	1-27-2014	Adopting Ordinance
620	9-22-2014	32.35—32.38
621	3-9-2015	Adopting Ordinance
622	6-22-2015	52.49
623	10-12-2015	T.S.O. II
624	12-14-2015	155.198
625	3-14-2016	Adopting Ordinance
626	8-22-2016	155.004, 155.102
627	8-22-2016	155.004, 155.187

## St. Johns - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
629	6-26-2017	51.10
630	8-14-2017	Adopting Ordinance
631	9-25-2017	37.01—37.17
632	2-12-2018	155.195
633	2-12-2018	155.101
634	2-12-2018	155.281
635	2-12-2018	154.69
636	2-12-2018	95.28
637	2-26-2018	51.10
638	2-26-2018	155.170
641	4-23-2018	33.01—33.03
642	4-23-2018	155.004, 155.189
643	4-23-2018	155.276
644	6-25-2018	55.01—55.10, 55.99
645	7-9-2018	155.341
646	8-13-2018	155.341
647	10-8-2018	Adopting Ordinance
648	10-22-2018	51.10
649	11-26-2018	111.05
650	3-11-2019	35.10
652	9-9-2019	118.01-118.03
653	11-25-2019	70.05
654	11-25-2019	Adopting Ordinance
655	1-27-2020	153.05
656	7-27-2020	30.01—30.19
657	12-14-2020	155.256—155.259, 155.276, 155.278—155.282, 155.401, 155.402
658	1-31-2021	Adopting Ordinance
659	2-22-2021	T.S.O. I
660	3-22-2021	155.100—155.102, 155.170
661	3-8-2021	155.199
662	5-24-2021	T.S.O. II
663	8-23-2021	135.02, 135.99
664	10-3-2021	151.79

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
665	12-13-2021	155.004, 155.011, 155.031—155.033, 155.040—155.043, 155.050—155.053, 155.073, 155.111, 155.150, 155.170, 155.232, 155.276, 155.322, 155.415, 155.419, 155.425, 155.426, 155.432, 155.435, 155.443, 155.444
666	1-24-2022	Adopting Ordinance
668	3-14-2022	95.85
669	5-9-2022	50.01—50.08, 50.99
670	6-27-2022	119.01—119.04
671	9-26-2022	30.09
672	2-27-2023	37.15, 37.16
673	5-22-2023	71.09
674	5-22-2023	T.S.O. III
675	5-22-2023	153.01—153.11, 153.99
676	6-26-2023	Adopting Ordinance
677	8-28-2023	54.01—54.03, 54.20—54.24, 54.35—54.43, 54.55—54.66, 54.75—54.88, 54.99, Ch. 54, App. 1, 2
678	8-28-2023	155.200
679	8-28-2023	155.004, 155.433
680	9-12-2023	T.S.O. III
681	12-11-2023	155.004
682	12-11-2023	92.08, 92.20—92.24, 92.30



## INDEX

### ALCOHOLIC BEVERAGES

- Age for licensed establishments, 111.08
- Age of purchaser, 111.04
- Dance permits, 111.09
- Definitions, 111.01
- License required, 111.02
- Liquor sales, 111.03
- Open containers; transporting in motor vehicles, 111.07
- Possession in motor vehicle, 111.06
- Possession or consumption of alcoholic liquor by underage person, 111.05

### AMUSEMENTS

- Pool Rooms and Bowling Establishments
  - Definitions, 114.20
  - License required, 114.21
  - Public institutions excepted, 114.22
- Public Dances
  - Application, 114.37
  - Definition, 114.35
  - Display of license, 114.42
  - Fire inspection, 114.39
  - Inspection, 114.44
  - Issuance of license, 114.40
  - License required, 114.36
  - Police investigation, 114.38
  - Public nuisance, 114.43
  - Transfer of license, 114.41
- Shows
  - Exemptions, 114.03
  - License required, 114.02
  - Traveling shows, 114.01

### ANIMALS

- Birds and birds' nests, 92.03
- Cats
  - Stray cats, 92.30

**ANIMALS (Cont'd)**

- Collection and disposal of animal wastes, 92.08
- Cruelty to animals, 92.01
- Dangerous animals, 92.06
- Dogs
  - Annoying dogs prohibited, 92.24
  - Female dogs, restriction, 92.21
  - License required, 92.20
  - Report to Police Department, 92.22
  - Running at large, 92.23
- Hybrid farm animals, 92.07
- Keeping of livestock prohibited, 92.04
- Poisoning of animals, 92.02
- Wild animals, 92.05

**BICYCLES**

- Driver regulations applicable, 73.01
- Impounding of vehicles, 73.08
- Inspection required, 73.03
- Notice, 73.09
- Ownership, transfer, 73.04
- Parents, guardians; responsibilities, 73.07
- Parking, 73.05
- Penalty, 73.12
- Registration, 73.02
- Release, 73.10
- Riding on sidewalks; limitations; prohibitions, 73.06
- Sale, 73.11

**BOWLING ESTABLISHMENTS (See AMUSEMENTS)****BUILDING REGULATIONS**

- Building Code
  - Administration and enforcement, 150.024
  - Appeals, 150.027
  - Chimneys, 150.014
  - Concrete, 150.008
  - Conflicting laws and regulations, 150.023
  - Construction of dwellings, 150.005
  - Definitions, 150.004



**CODE OF ORDINANCES; GENERAL PROVISIONS**

- Application to future ordinances, 10.03
- Captions, 10.04
- Definitions, 10.05
- Effective date of ordinances, 10.15
- Errors and omissions, 10.10
- General penalty, 10.99
- Interpretation, 10.02
- Official time, 10.11
- Ordinances repealed, 10.13
- Ordinances unaffected, 10.14
- Ordinances which amend or supplement code, 10.17
- Reasonable time, 10.12
- Reference to offices, 10.09
- Reference to other sections, 10.08
- Repeal or modification of ordinance, 10.16
- Rules of interpretation, 10.06
- Section histories; statutory references, 10.18
- Severability, 10.07
- Title of code, 10.01

CURFEW, 138.01

DANCES (See AMUSEMENTS)

**ETHICAL STANDARDS OF CONDUCT**

- Application, 37.02
- Board of Ethics and complaints against elected officials, 37.15
- Definitions, 37.03
- Disclosure of interest in proposed legislation or other pending legislative decision, 37.05
- Distribution of ethics policy, 37.17
- Donations to the city, 37.09
- Incompatible appointments, 37.07
- Incompatible or dual employment, 37.06
- Investments in conflict with official duties/conflict of interest, 37.04
- Nepotism, 37.12
- Offer or acceptance of gifts, 37.08
- Political activity, 37.13
- Protections for disclosure of unlawful or improper policies or actions, 37.10
- Public officials or employees; disclosure of information, 37.11
- Public property and personnel, 37.14
- Title and purpose, 37.01
- Violation and enforcement, 37.16

**FINANCE AND TAXATION**

## Low Income Housing Exemption

Additional specific exemptions, 35.10

Class of housing project, 35.03

Contractual effect, 35.08

Definitions, 35.01

Duration, 35.06

Establishment of service charge, 35.05

Exemption, 35.04

Nonassignability, 35.07

Preamble, 35.02

Tax abatement, 35.09

## Recovery of Costs and Expenses

Billing and collection of assessable costs, 35.23

Cost recovery procedure, 35.21

Cost recovery under mutual aid agreement event, 35.22

Definitions, 35.20

No limitation on responsible party liability, 35.26

Procedure for appealing assessable costs, 35.24

Remedies, 35.25

**FIRE DEPARTMENT**

Duties of the Chief, 32.36

Enforcement, 32.41

Equipment and apparatus, 32.38

Membership, 32.37

Officers, 32.35

Social officers, 32.40

**FIRE PREVENTION**

Adoption of Fire Prevention Code, 91.01

Amendments made in code, 91.04

Changes in code, 91.05

Definitions, 91.03

Enforcement, 91.02

Key boxes, 91.06

Open burning and recreational fires, 91.07

**FRANCHISES, T.S.O. I**

**GARBAGE, TRASH, RECYCLABLES AND YARD WASTE**

Chapter title; introduction; purpose, 50.01

Collection

Branches, limbs and leaves, 50.07

Garbage/trash and recyclables, 50.03

Practices, 50.06

Supervised by Director of Public Services, 50.04

Definitions, 50.02

Fees, 50.08

Introduction, 50.01

Penalty, 50.99

Purpose, 50.01

**HAZARDOUS WASTES**

Definitions, 98.01

Expenses of an emergency hazardous material incident, 98.03

Hazardous material incident emergency, 98.02

Payment of notice, 98.04

**HOUSE TRAILERS AND TRAILER COURTS**

Administration

Duty to admit, 152.78

Emergency orders, 152.84

Entry, 152.75

Findings, 152.82

Inspect register, 152.77

Inspection of trailer courts, 152.75

Notices, hearings and orders, 152.80

Owner's right of entry, 152.79

Records, 152.83

Request for hearing, 152.81

Adoption of regulations by Health Officer, 152.02

Definitions, 152.01

Permits

Application, 152.21

Notice of violation, 152.24

Permit denial; hearing, 152.23

Permits required, 152.20

Plan, 152.22

Right to hearing, 152.25

Registration of occupants, 152.03

**HOUSE TRAILERS AND TRAILER COURTS (Cont'd)****Regulations and Requirements**

- Access roads, 152.45
- Alterations and additions, 152.60
- Animals, 152.61
- Clothes drying space, 152.48
- Communicable disease report, 152.62
- Electricity, 152.57
- Fire protection, 152.59
- Fuel, 152.58
- Incinerators, 152.55
- Insect and rodent control, 152.56
- Location, 152.40
- Overcrowding, 152.44
- Parking areas, 152.46
- Planting strip, 152.49
- Playgrounds, 152.47
- Refuse disposal, 152.54
- Service buildings, 152.51
- Setback, 152.43
- Sewers, 152.53
- Size, 152.41
- Space beneath floor, 152.50
- Trailer coach space, 152.42
- Water supply, 152.52

**INDUSTRIAL PRETREATMENT****Abbreviations, 54.03****Administration**

- Confidential information, 54.65
- Contributing municipality, 54.57
- Inspection and sampling, 54.60
- Investigation of instances of noncompliance, 54.62
- Monitoring facilities, 54.59
- Notice of violation/repeat sampling and reporting, 54.63
- Pretreatment, 54.64
- Receive and analyze self-monitoring reports, 54.61
- Record keeping requirements, 54.66
- Reporting requirements for permittee, 54.58
- Wastewater discharge permits, 54.56
- Wastewater discharges, 54.55

**Definitions, 54.02**

**INDUSTRIAL PRETREATMENT (Cont'd)****Enforcement**

- Affirmative defenses, 54.84
- Bypass, 54.85
- Cease and desist orders, 54.81
- Compliance orders, 54.80
- Consent orders, 54.79
- Harmful contributions, 54.75
- Judicial proceedings, 54.82
- Net/gross calculation, 54.87
- Notification of violation, 54.77
- Operating upsets, 54.86
- Recovery of costs incurred by the city, 54.78
- Revocation of permit, 54.76
- Right of appeal, 54.83
- Show cause hearing, 54.78

**Fees**

- Charges and fees, 54.21
- Identify and locate industrial users, 54.22
- Identify characteristics and volume of pollutants, 54.23
- Purpose, 54.20
- Surcharges, 54.24

**MAIL limits, Ch. 54, App. 2****Penalty, 54.99****Purpose and policy, 54.01****Regulations**

- Accidental discharges, 54.42
- City's right of revision, 54.40
- Dilution prohibited as substitute for treatment, 54.41
- General discharge prohibitions, 54.35
- Mercury reduction plan (MRP), 54.43
- Modification of national categorical pretreatment standards, 54.37
- National categorical pretreatment standards, 54.37
- Specific pollutant limitations, 54.38
- State requirements, 54.39

Standard ordinance limits and surcharges for discharges of certain pollutants, Ch. 54, App. 1

**JUNK AUTOMOBILES (See also TRAFFIC)**

- Abatement, 94.04
- Cause of blight, 94.03
- Definitions, 94.01
- Open storage unlawful, 94.02

JUNK DEALERS (See SECOND HAND AND JUNK DEALERS)

LIBRARY BOARD, 32.55

LICENSING (See BUSINESS LICENSING)

#### LOCAL OFFICERS COMPENSATION COMMISSION

Compensation, 32.04

Members, 32.02

Powers and duties, 32.03

Purpose, 32.01

MARIHUANA (See RECREATIONAL MARIHUANA REGULATIONS)

#### MUNICIPAL CIVIL INFRACTIONS

Citation contents, 36.04

Citations; issuance and service, 36.03

Definitions, 36.01

Municipal civil infraction action; commencement, 36.02

Municipal Ordinance Violations Bureau, 36.05

Penalties for violations by commercial truck operators of traffic control orders, 36.07

Schedule of civil fines established, 36.06

#### NOISE

Exceptions, 93.22

Excessive noise declared nuisance, 93.20

Specific offenses, 93.21

#### NUISANCES

Abandoned refrigerators, 93.03

Nuisance defined and prohibited, 93.01

Nuisances on Private Property

Abatement of nuisance by owners, 93.36

Definition of nuisance, 93.35

Enforcement, 93.37

Violations, 93.38

Nuisances per se, 93.02

#### OFFENSES

Definition, 130.01

Offenses Against Governmental Functions

False alarms, 131.02

Interference with police, 131.01

## OFFENSES (Cont'd)

## Offenses Against Property

Destruction of property, 133.02

Littering, 133.04

Tresspass, 133.01

Water fountains, 133.03

## Offenses Against Public Morals

Gambling, 136.03

Indecent exposure, 136.01

Operating, attending or engaging in illegal business, 136.04

Prostitution, 136.02

Transporting, 136.05

Window peeping, 136.06

## Offenses Against Public Peace

Collecting in crowds, 134.05

Disorderly conduct, 134.10

Disturbances, 134.01

Disturbing meetings, 134.08

Indecent conduct, 134.02

Keeping a disorderly place, 134.07

Loitering, 134.04

Obstructing traffic, 134.09

Public intoxication, 134.03

Riot, 134.06

## Offenses Against Public Safety

Discharging weapons, 135.03

Fireworks, 135.02

Penalty, 135.99

Throwing objects at or from motor vehicles, 135.01





**OFFENSES (Cont'd)****Offenses Against the Person**

Assault; battery, 132.01

Harassing communications, 132.03

Harassment, 132.02

Penalty, 132.99

**Offenses Pertaining to Drugs**

Definitions, 139.01

Penalty, 139.99

Prohibited conduct, 139.02

**Offenses Pertaining to Schools, 137.01**

Soliciting illegal acts, 130.02

**PARKING VIOLATIONS (See also TRAFFIC)**

Clerk's duties, 71.03

Control marks or devices, 71.12

Definitions, 71.02

Erasure or removal of control marks or devices, 71.13

Issuing tickets, 71.06

Option of violators, 71.05

Parking in a metered zone area, 71.10

Parking meter violations, 71.11

Parking prohibited, 71.09

Parking regulations, 71.08

Parking Violations Bureau established, 71.01

Schedule of violations, 71.07

Violations handled, 71.04

**PARKS AND RECREATION**

Additional rules, 90.07

Ball games, 90.04

Injury to park property, 90.01

Intoxicating liquors, 90.02

Motor driven vehicles, 90.05

Park rules, 90.06

Waste containers, 90.03

**PEDDLERS, CANVASSERS AND TRANSIENT MERCHANTS**

- Application, 112.03
- Definitions, 112.01
- Duty of police to enforce, 112.08
- Exhibition of license, 112.06
- Fees, 112.05
- Hours, 112.07
- Investigation and issuance, 112.04
- Penalty, 112.99
- Permit and license required, 112.02

**POLICE DEPARTMENT**

- Department rules, 32.22
- Other police officers, 32.21
- Police Chief, 32.20

**POOL ROOMS (See AMUSEMENTS)****RECREATIONAL MARIHUANA REGULATIONS**

- Findings, 118.01
- Prohibition on marihuana establishments, 118.02
- Scope, 118.03

**RECYCLABLES (See GARBAGE, TRASH, RECYCLABLES AND YARD WASTE)****RENTAL REGISTRATION AND CERTIFICATION**

- Registration for rental or lease of dwellings, 119.02
- Registration procedures, 119.03
- Rental inspection and certification program, 119.04
- Title, 119.01

**SECOND HAND AND JUNK DEALERS**

- Fence, 113.03
- License required, 113.02
- Statutes applicable, 113.01

**SEWER RATES (See WATER AND SEWER RATES)**

**TAXICABS (Cont'd)**

Rates, 115.02

Regulations

General, 115.40

Lost articles, 115.41

Lost property disposition, 115.46

Passengers, 115.42

Posting of rates, 115.44

Receipt for payment, 115.45

Taximeters, 115.43

Unlawful acts, 115.47

**TELECOMMUNICATIONS REGULATIONS**

Annual report, 116.14

Authorized city officials, 116.19

Cable television operators, 116.15

Compliance, 116.17

Conduit or utility poles, 116.07

Conflict, 116.02

Construction/engineering permit, 116.06

Definitions, 116.03

Establishment and payment of maintenance fee, 116.10

Existing rights, 116.16

Issuance of permit, 116.05

Modification of existing fees, 116.11

Penalty, 116.99

Permit required, 116.04

Purpose, 116.01

Repair of damage, 116.09

Reservation of police powers, 116.18

Route maps, 116.08

Savings clause, 116.12

Use of funds, 116.13

**TRAFFIC (See also BICYCLES; JUNK AUTOMOBILES; PARKING VIOLATIONS; SKATEBOARDS, ROLLER BLADES, ROLLER SKATES AND THE LIKE)**

Adoption of Michigan Motor Vehicle Code, 70.02

Michigan Vehicle Code sections not adopted, 70.04

Penalty, 70.99

Reference to local authority, 70.03

Short title; section number designation, 70.01

Truck traffic, 74.01

TRAILERS (See HOUSE TRAILERS AND TRAILER COURTS)

TRANSIENT MERCHANTS (See PEDDLERS, CANVASSERS AND TRANSIENT MERCHANTS)

TRASH (See GARBAGE, TRASH, RECYCLABLES AND YARD WASTE)

## TREES

- Additional regulations, 96.14
- Corner clearance, 96.11
- Covering surface near trees, 96.08
- Definitions; application, 96.01
- Excavations near trees, 96.07
- Gas main leakage, 96.09
- Lawn extensions, 96.12
- Overhead lines, 96.13
- Permits for tree planting, care, removal, 96.03
- Private trees, 96.10
- Public tree removal, 96.04
- Responsibility, 96.02
- Spacing of shade trees, 96.05
- Tree protection, 96.06

## UTILITIES IN PUBLIC RIGHTS-OF-WAY

- “As built” plans, 117.05
- City Engineer or Zoning Administrator authority to vary, 117.06
- Definitions, 117.03
- Exemptions, 117.07
- Penalty, 117.99
- Purpose, 117.02
- Review of plans, permit conditions, 117.04
- Title, 117.01

## VACATIONS, T.S.O. II

## WATER AND SEWER RATES

- Basis of charges, 51.02
- Billing, 51.06
- Charges for having water turned off and on, 51.08
- Connection charges, 51.07
- Definitions, 51.01
- Enforcement, 51.10
- Municipal charge, 51.09

**WATER AND SEWER RATES (Cont'd)**

- Sewage disposal rates, 51.04
- Sewage disposal system receiving fund, 51.11
- Special rates, 51.05
- Water rates, 51.03

**WATER UTILITY (See also INDUSTRIAL PRETREATMENT; SEWER SERVICE)**

- Access of Supervisor, 52.02
- Administration, 52.01
- Requirements and Regulations
  - Boiler connections, 52.42
  - Cross connections, 52.49
  - Fire hydrants, 52.44
  - Lawn sprinkling, 52.48
  - Meters, 52.40
  - Private wells prohibited, 52.50
  - Protection of city wells, 52.47
  - Separate meters, 52.45
  - Service interruption, 52.46
  - Standpipes, 52.43
  - Use of water, 52.41
- Water Mains
  - Main extensions, 52.21
  - Permit fee, 52.26
  - Permit required, 52.25
  - Permit revocation, 52.27
  - Property owners not to be relieved from payment, 52.22
  - Size of main, 52.23
  - Specifications, 52.24
  - Under control of Commission, 52.20

**WEED CONTROL**

- Duty of occupant or owner, 93.51
- Enforcement, 93.54
- Exemption, 93.53
- Weed growth prohibited, 93.50
- When to do work, 93.52

**YARD WASTE (See GARBAGE, TRASH, RECYCLABLES AND YARD WASTE)**

**ZONING****Administration, and Enforcement Procedures**

- Certificates of occupancy, 155.404
- Duties and powers - Zoning Administrator, 155.400
- Responsibilities of City Commission, 155.402
- Responsibilities of Planning Commission, 155.401
- Schedule of application fees, and expenses, 155.405
- Zoning permits, 155.403

**Amendment Procedures**

- Amendments, 155.385
- City Commission decision, 155.388
- Procedure of initiating amendments, 155.386
- Public hearing, 155.387
- Reconsideration of amendment, 155.389

**CBD Central Business District**

- Purpose, 155.100
- Required conditions, 155.102
- Uses permitted by right and special use, 155.101

**Condominiums**

- Condominium design requirements, 155.323
- Intent, 155.320
- Review requirements, 155.321
- Survey requirements, 155.324
- Zoning chapter standards, 155.322

**Definitions, 155.004****Definitions - general, 155.003****Design Standards**

- Adult business, 155.416
- Adult foster care large group homes (13-20 persons) and adult foster care small group homes (7-12 persons), 155.415
- Auto service stations, 155.418
- Automobile repair shops, 155.417
- Bed and breakfast establishments, 155.419
- Car wash, 155.420
- Cemeteries, 155.421
- Child care centers, 155.422
- Communication antenna, 155.423
- Communication towers, 155.424
- Day care homes, family (1-6 persons), 155.426
- Day care homes, group (7-12 persons), 155.425
- Drive-thru facilities, 155.427
- Funeral homes and mortuaries, 155.428
- Gas regulator station, utility pumping stations, power substations and water towers, 155.429

**ZONING (Cont'd)****Design Standards (Cont'd)**

- Golf courses and country clubs, 155.430
- Gravel and sand pits, quarries, public or private dumps, incinerators, and sanitary fills, 155.431
- Home occupations, 155.432
- Hospital facilities serving psychiatric and incarcerated patients, 155.433
- Hotels and motels, 155.434
- Infill planned unit residential development, 155.435
- Junk yards, automobile wrecking or salvage, 155.436
- Kennels, 155.437
- Mobile home park, 155.438
- Nursing homes, 155.439
- Planned unit developments (PUD), 155.440
- Religious institutions, 155.441
- Residential cluster housing development, 155.443
- Rooming and boarding houses, 155.444
- Sewage treatment and disposal installations, 155.445
- Sidewalk café, 155.446
- Storage facilities, 155.447
- Temporary buildings, structures, or yards for construction materials or a temporary office for the sale or rental of real property, 155.448

**District Regulations - General**

- Application of regulations, 155.014
- Establishment of districts, 155.010
- Interpretation of district boundaries, 155.013
- Interpretation of uses permitted, 155.015
- Types of districts, 155.011
- Zoning of annexed areas, 155.017
- Zoning of vacated streets and alleys, 155.016
- Zoning map, 155.012

**District Regulations - Table of Dimensional Requirements**

- Table of dimensional requirements, 155.170

**General Commercial District**

- Purpose, 155.090
- Site development requirements, 155.093
- Uses permitted by right, 155.091
- Uses permitted by special use permit, 155.092

**General Exceptions**

- Average front yard, 155.213
- Essential services, 155.210
- Exception to required lot area for residential districts, 155.212
- Supplementary height regulations; permitted exceptions, 155.215

## ZONING (Cont'd)

## General Exceptions (Cont'd)

Voting place, 155.211

Yard encroachments permitted, 155.214

## I-1 Industrial - High Performance Standards

Application requirements, 155.123

Area and height requirements, 155.125

Purpose, 155.120

Use requirements, 155.124

Uses permitted by right, 155.121

Uses permitted by special use permit, 155.122

## I-2 Industrial - Liberal Performance Standards

Application requirements, 155.134

Area and height requirements, 155.135

Purpose, 155.130

Use requirements, 155.133

Uses permitted by right, 155.131

Uses permitted by special use permit, 155.132

## Landscape Standards

Application, 155.296

Compliance for pre-existing sites, 155.304

Existing tree preservation incentives, 155.301

Green belts required along and within right-of-way, 155.299

Intent, 155.295

Landscape standards for principal structures, 155.302

Minimum buffer zones, 155.297

Minimum standard for installation and maintenance, 155.303

Plant material specifications, 155.300

Required parking lot trees and parking lot islands, 155.298

## MC Municipal Center District

Purpose, 155.080

Site development requirements, 155.083

Uses permitted by right, 155.081

Uses permitted by special use permit, 155.082

## Mixed Uses District

Purpose, 155.160

Uses permitted by right, 155.161

Uses permitted by special use permit, 155.162

## Non-Conforming Uses and Structures

Change of ownership, tenancy or management, 155.240

Change of use, 155.234

Discontinuance, 155.233

Expansion, 155.232



**ZONING (Cont'd)****Non-Conforming Uses and Structures (Cont'd)**

- Non-conforming buildings, 155.235
- Non-conforming, non-residential lot, 155.238
- Non-conforming parking facilities, 155.237
- Non-conforming use of land or building, 155.231
- Prior construction approval, 155.239
- Purpose, 155.230
- Restoration of damaged structures, 155.236

**O Office District**

- Purpose, 155.110
- Site development requirements, 155.113
- Uses permitted by right, 155.111
- Uses permitted by special use permit, 155.112

**Objectives, 155.002****Off-Street Parking and Loading/Unloading Area Requirements**

- Design construction requirements and permitted use of vehicle parking, 155.343
- Design standards of loading-unloading spaces, 155.345
- Loading-unloading spaces requirement, 155.344
- Minimum parking space requirements, 155.342
- Off-street parking general requirements, 155.340
- Off-street parking regulations within a residential district, 155.341

**P Off-Street Parking District**

- Purpose, 155.140
- Site location and development requirements, 155.143
- Uses permitted by right, 155.141
- Uses permitted by special use permit, 155.142

**Penalty, 155.999****R-1 Low Density Residential**

- Purpose, 155.030
- Site development requirements, 155.033
- Uses permitted by right, 155.031
- Uses permitted by special use permit, 155.032

**R-2 Medium Density Residential**

- Purpose, 155.040
- Site development requirements, 155.043
- Uses permitted by right, 155.041
- Uses permitted by special use permit, 155.042

**R-3 Multi-Family Low Density Residential**

- Purpose, 155.050
- Site development requirements, 155.053
- Uses permitted by right, 155.051
- Uses permitted by special use permit, 155.052

## ZONING (Cont'd)

## R-MH Mobile Home Residential

Purpose, 155.070

Site development requirements, 155.073

Uses permitted by right, 155.071

Uses permitted by special use permit, 155.072

Short title, 155.001

## Site Plan Review

Modification of approval of site plan, 155.280

Performance guarantees, 155.282

Preliminary review, 155.277

Purpose, 155.275

Site plan requirements, 155.279

Site plan review procedures, 155.278

Standards for site plan approval, 155.281

Uses requiring site plan review, 155.276

## Special Uses Authorized by Special Use Permit

Changes to approved special use permits, 155.260

Conditions, 155.259

Expiration of special use permit approval, 155.261

Intent, 155.255

Preliminary review, 155.256

Procedures for making application, 155.257

Standards for approval, 155.258

## Supplementary Regulations

Accessory buildings, 155.184

Accessory buildings and structures - regulations, 155.189

Aesthetic compatibility of commercial development, 155.196

Animals, keeping of, 155.200

Collection boxes, 155.198

Commercial outdoor display sales or storage, 155.195

Construction or contracts under permits issued prior to this chapter, 155.193

Excavation of top soil, 155.186

Exterior/interior lighting, 155.191

Fences, walls or screens, 155.187

Keeping of animals, 155.200

Minimum dwelling unit size, 155.199

One building per lot, 155.180

Performance standards, 155.194

Prohibition of use of structures for temporary dwelling, 155.182