

ENFORCEMENT RESPONSE PROCEDURE (ERP) ST. CLAIR COUNTY

1. CONSTRUCTION CONTROL (PCC) STANDARDS

Each municipality or township that has adopted these design standards or has their own design standards for stormwater must initiate the action of enforcement through their zoning regulations or another regulatory mechanism at their disposal as they determine is appropriate. Additionally, there is a formal site plan review process when a development is taking place in those communities which are participating in the Rules for the St. Clair County Drain Commissioner. A site plan must pass all aspects of community zoning and approvals from local, county, state and federal regulatory agencies before construction can start.

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

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

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

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

2. CODES, ORDINANCES, LAWS FOR ENFORCEMENT OF PCC FOR POLLUTION OF SURFACE WATERS OR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

The municipal members of St. Clair County have adopted or have the following as commercial / residential building enforcement procedures:

- 2012 Michigan Plumbing Code,
- 2009 Michigan Residential Code, or
- The International Property Maintenance Code of 2012.

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

ENFORCEMENT RESPONSE PROCEDURE (ERP) ST. CLAIR COUNTY

Enforcement Venues for Townships, Cities and Villages:

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

Since Code Enforcement and Property Maintenance is not a function enabled by PA230-72 and not otherwise mandated by state law, a local governmental unit would have to locally adopt the International Property Maintenance Code (IPMC) to lawfully enforce its provisions. If a municipal member has adopted, by ordinance, the IPMC, it is enforced through its Code Enforcement Program. Municipalities have Code Enforcement Logs through their Code Enforcement Programs that are tracking mechanisms used to track violations and their outcome.

Enforcement Venues for County Agencies/Departments:

The St. Clair County Road Commission (SCCRC) and the St. Clair County Drain Commissioner (SCCDC) do not have ordinance authority. However, the St. Clair County Drain Commissioner has some authority to control water pollution in county drains provided by the State Drain Code of 1956. The following are pertinent excerpts.

The Michigan Drain Code Public Act 40 of 1956 states:

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

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

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

The SCCRC has limited authority under state law to control water pollution in statutory road right-of-ways. When evidence of an illicit discharge to a Road Commission ditch or drain is found, and voluntary correction is not forthcoming, the SCCRC will contact the appropriate agency, depending on the nature of the illicit discharge, and work with the St. Clair County Drain Commissioner, the St. Clair County Health Department, the local unit of government, the local policing authority and/or the Michigan Department of Environmental Quality (MDEQ) to require elimination. The MDEQ has broad authority to control pollution, either directly or indirectly, to waters of the state provided by Part 31 of Act 451 of 1994.

**ENFORCEMENT RESPONSE PROCEDURE (ERP)
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St. Clair County Public Health Code (Resolution 84-24)

**PORTION OF PUBLIC HEALTH CODE RELATED TO ILLICIT CONNECTIONS WHICH
SUPPORTS THE PLUMBING CODE**

4-4 Connections Required

All facilities such as flush toilets, urinals, lavatories, sinks, bathtubs, showers, laundry, or any other facility from which sewage flows shall be connected to an individual sewage disposal system; except that any such facilities hereafter installed on a premise where public sewer is available shall be connected to said sewer. Certain types of alternate methods of sewage disposal systems may be exempt from this requirement.

4-7 Void Permits

- (1) The permit for a private sewage disposal system may be declared void by the Health Officer if the location of the disposal system specified on the permit is altered, or if there is any increase in the scope of the project prior to, during, or following construction of said system, or if the department acquires new information that the previous permit approval site does not satisfy the requirements of these regulations.
- (2) The Health Officer may void any permit when he has reasonable cause to believe that an intentional misrepresentation has occurred.

4-9 Termination of Permits

Any permit issued pursuant to the requirements of the preceding sections shall be valid for the term of twelve (12) months from the date of issuance, unless declared void as provided in the regulation, and no construction, alteration, and/or extension shall continue without renewal of such permit. A permit may be renewed for a period of twelve (12) months, provided the renewal request is prior to the permit expiration. Permits which have expired shall make new application, and shall meet the minimum criteria for acceptance as set forth in current regulations.

4-12 Condemnation of Existing Installations, continued:

- (2) Any system so condemned shall be repaired, rebuilt or replaced by a system constructed according to the provisions of these regulations where possible, or by another method approved by the Health Officer in order to abate a public health nuisance, within a specified period of time not to exceed 90 days after official notification from the Health Officer.
- (3) Sewage from an existing structure shall not be deposited upon the surface of the ground, into roadside ditches or into surface waters.

4-13 Public or Private Drain of Unknown Course and Origin

Whenever the Health Officer shall determine that improperly treated sewage is flowing from the outlet of any public or private drain of unknown course or origin, he may issue public notices requiring persons owning premises from which sewage originates, to connect such sewage flow to an available publicly operated sewage system, if such a

**ENFORCEMENT RESPONSE PROCEDURE (ERP)
ST. CLAIR COUNTY**

system abuts, is adjacent to, runs laterally across, or is within 200 feet of the premise in question, or in absence thereof to comply with the provisions of these regulations. Public notice shall consist of the posting of at least five conspicuous notices in the probable area served by said drain. After not less than thirty (30) days following posting of the notice, the Health Officer may plug or cause to be plugged, the outlet of said drain, unless the owner of the property can prove he has a legitimate surface water connection, and that the plugging of said drain could cause damages to his home or property. Owners of properties known to be discharging improperly treated sewage in such drains posted by the Health Officer, shall be given written notice of corrections required within the time allowed by the posted notices. Failure to comply shall be considered a violation of these regulations.

4-14 Connection to Public Sewer

When an approved public sanitary sewer becomes available to a property served by a private sewage disposal system, a connection shall be made by not later than 18 months, or after written notification from the Health Officer to connect at such time as deemed necessary to abate a public health nuisance

ARTICLE IX – REFUSE, HAZARDOUS MATERIALS, VERMIN, DEAD ANIMALS

PUBLIC HEALTH CODE SECTION RELATED TO ILLICIT OR ILLEGAL DUMPING

9-1 Accumulation of Garbage

No person shall permit to accumulate upon his premises any garbage except in covered containers of rodent proof, fly proof and watertight construction.

9-2 Accumulation of Rubbish

- (1) No person shall permit to accumulate upon his premises any rubbish except in durable containers with close fitting covers except that bulky rubbish such as tree limbs, weeds, large cardboard boxes, etc., may be bundled and stored so as not to provide a harborage or breeding place for rodents.
- (2) The occupant and/or owner of property, and the owner of unoccupied property shall at all times maintain the premises occupied or owned by him in a clean and orderly condition. The deposit of or accumulation of garbage, rubbish, rags, tin cans, glass, paper, empty barrels, boxes, or any litter which because of its character, condition or improper storage may invite the breeding or collection of flies, mosquitoes or rodents, or which may in any manner, endanger the public health is prohibited.

9-3 Disposal of Garbage and Rubbish

Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor a menace to health in accordance with the provisions of Act 641, P.A. 1978. Any person or property owner disposing of garbage or rubbish from his own household upon property under his control can dispose of such material as long as such disposal method does not create a nuisance or hazard to health.

**ENFORCEMENT RESPONSE PROCEDURE (ERP)
ST. CLAIR COUNTY**

9-4 Unlawful Dumping

It shall be unlawful for any person to dump any refuse upon any street, alley or property, public or private. Excluded is the placing of front yard and curb/lawn tree leaves into the street

9-8 Violations of Article IX

Violations of this Article shall be deemed as public health nuisances, and the Health Officer may initiate whatever appropriate action considered necessary to protect the public health, safety and welfare of the residents of St. Clair County as set forth in these regulations.

18-1 Enforcement

All premises affected by this code shall be subject to inspection by the Health Officer who may conduct field tests or may collect such samples for laboratory examination as he deems necessary for the enforcement of the provisions hereof. It shall be the responsibility of the Health Officer to enforce these regulations, however nothing contained herein shall be construed to limit the Health Officer from exercising discretion in the enforcement of this code provided enforcement actions are not brought in a capricious manner.

18-2 Misdemeanor Appearance Tickets

- (1) The following public servants of the St. Clair County Health Department are hereby specifically authorized, by authority of Act 368, P.A. 1978, Section 2463, pursuant to Sections 764.9a to 764.9g of the Michigan Compiled Laws, to issue and serve misdemeanor appearance tickets with respect to violations of the rules, regulations and by-laws adopted by the St. Clair County Board of Health and approved by the St. Clair County Board of Commissioners and the statutes of the State of Michigan concerning health matters which are in the jurisdiction of the St. Clair County Health Department, to-wit:

Director of the St. Clair County Health Department

Director of the Environmental Health Division

Sanitarian II (with approval of either of the above)

- (2) No misdemeanor appearance tickets shall be issued for a violation of this code without first having served the person in violation of this code with a written notice of violation which shall describe the violation and shall order correction or abatement allowing the person so cited a reasonable time period to comply with the applicable requirement prior to the issuance of a misdemeanor appearance ticket. A Notice of Violation shall also state that failure to correct or abate the violation in the prescribed manner shall result in the issuance of an appearance ticket.

18-2 Misdemeanor Appearance Tickets, continued:

- (3) The restriction set forth in subsection 2 above shall not apply to any situation or

**ENFORCEMENT RESPONSE PROCEDURE (ERP)
ST. CLAIR COUNTY**

circumstance whereby immediate correction or abatement of a violation or compliance with a law or regulation is necessary or warranted. Examples of such a situation or circumstance may include: Operation of a food service establishment or temporary food service establishment without a valid license, interference with or obstruction of the Health Officer during the performance of his or her duty, or the failure of a person to immediately initiate corrective action to abate or remove a condition, object, or situation determined to create an imminent hazard.

18-3 Injunctive Proceedings

Notwithstanding the existence and pursuit of any other remedy, the Health Officer without posting bond, may maintain an action in a court of competent jurisdiction for an injunction or other process against any person to restrain or prevent violations of this regulation or to correct a violation or activity or condition which he believes adversely affects public health pursuant to Act 368, P.A. 1978, Section 2465(1).

18-4 Penalty

Any person who shall fail to comply with any provision herein shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding the sum of two hundred dollars (\$200.00) or by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment in the discretion of the court. Each day a violation of these regulations exists shall constitute a separate and distinct violation and may be cited as such.

**ENFORCEMENT RESPONSE PROCEDURE (ERP)
ST. CLAIR COUNTY**

STATE OF MICHIGAN - Responsibility

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

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

Sec. 3103.

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

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

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

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

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

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

Popular Name: Act 451

Popular Name: NREPA

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

ENFORCEMENT RESPONSE PROCEDURE (ERP) ST. CLAIR COUNTY

1. ILLICIT DISCHARGE ELIMINATION PROGRAM

The municipal members of St. Clair County have adopted or have as commercial / residential building enforcement procedures the following:

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- 2009 Michigan Residential Code, or
- The International Property Maintenance Code of 2012.

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

Each set of ordinances or other regulatory mechanisms:

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

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

Enforcement Venues for Townships, Cities and Villages:

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ST. CLAIR COUNTY**

The following are pertinent excerpts:

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

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

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

The SCCRC has limited authority under state law to control water pollution in statutory road right-of-ways. When evidence of an illicit discharge to a Road Commission ditch or drain is found, and voluntary correction is not forthcoming, the SCCRC will contact the appropriate agency, depending on the nature of the illicit discharge, and work with the SCCDC, County Health Department, local unit of government, local policing authority and/or the Michigan Department of Environmental Quality (MDEQ) to require elimination. The MDEQ has broad authority to control pollution, either directly or indirectly, to waters of the state provided by Part 31 of Act 451 of 1994.

St. Clair County Public Health Code (Resolution 84-24)

**PORTION OF PUBLIC HEALTH CODE RELATED TO ILLICIT CONNECTIONS WHICH
SUPPORTS THE PLUMBING CODE**

3-18 Nuisance

(1) Shall refer to any condition or activity on private or public property which, in the judgment of the Health Officer, may have or threaten to have a detrimental effect on the health of the public.

(2) The definition of a nuisance may include, but shall not be limited to the following:

- (a) Where sewage effluent is permitted to drain upon, or to the surface of the ground, into any ditch, storm sewer, lake, stream, pond, or other body of surface water.
- (b) Accumulations of refuse, animal manure, dead animals, mosquito breeding areas, or vermin infestations.
- (c) When the odor, appearance, or presence of an item or substance has an obnoxious or detrimental effect on, or to the senses, and/or the health of persons, or obstructs the use or sale of adjacent property; and all other conditions or activities recognized as nuisances by the statutory and common law by the State of Michigan.

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ST. CLAIR COUNTY**

4-4 Connections Required

All facilities such as flush toilets, urinals, lavatories, sinks, bathtubs, showers, laundry, or any other facility from which sewage flows shall be connected to an individual sewage disposal system; except that any such facilities hereafter installed on a premise where public sewer is available shall be connected to said sewer. Certain types of alternate methods of sewage disposal systems may be exempt from this requirement.

4-7 Void Permits

- (1) The permit for a private sewage disposal system may be declared void by the Health Officer if the location of the disposal system specified on the permit is altered, or if there is any increase in the scope of the project prior to, during, or following construction of said system, or if the department acquires new information that the previous permit approval site does not satisfy the requirements of these regulations.
- (2) The Health Officer may void any permit when he has reasonable cause to believe that an intentional misrepresentation has occurred.

4-9 Termination of Permits

Any permit issued pursuant to the requirements of the preceding sections shall be valid for the term of twelve (12) months from the date of issuance, unless declared void as provided in the regulation, and no construction, alteration, and/or extension shall continue without renewal of such permit. A permit may be renewed for a period of twelve (12) months, provided the renewal request is prior to the permit expiration. Permits which have expired shall make new application, and shall meet the minimum criteria for acceptance as set forth in current regulations.

4-12 Condemnation of Existing Installations, continued:

- (2) Any system so condemned shall be repaired, rebuilt or replaced by a system constructed according to the provisions of these regulations where possible, or by another method approved by the Health Officer in order to abate a public health nuisance, within a specified period of time not to exceed 90 days after official notification from the Health Officer.
- (3) Sewage from an existing structure shall not be deposited upon the surface of the ground, into roadside ditches or into surface waters.

4-13 Public or Private Drain of Unknown Course and Origin

Whenever the Health Officer shall determine that improperly treated sewage is flowing from the outlet of any public or private drain of unknown course or origin, he may issue public notices requiring persons owning premises from which sewage originates, to connect such sewage flow to an available publicly operated sewage system, if such a system abuts, is adjacent to, runs laterally across, or is within 200 feet of the premise in question, or in absence thereof to comply with the provisions of these regulations. Public notice shall consist of the posting of at least five conspicuous notices in the probable area served by said drain. After not less than thirty (30) days following posting of the notice, the Health Officer may plug or cause to be plugged, the outlet of said

**ENFORCEMENT RESPONSE PROCEDURE (ERP)
ST. CLAIR COUNTY**

drain, unless the owner of the property can prove he has a legitimate surface water connection, and that the plugging of said drain could cause damages to his home or property. Owners of properties known to be discharging improperly treated sewage in such drains posted by the Health Officer, shall be given written notice of corrections required within the time allowed by the posted notices. Failure to comply shall be considered a violation of these regulations.

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ARTICLE IX – REFUSE, HAZARDOUS MATERIALS, VERMIN, DEAD ANIMALS

PUBLIC HEALTH CODE SECTION RELATED TO ILLICIT OR ILLEGAL DUMPING

9-1 Accumulation of Garbage

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9-2 Accumulation of Rubbish

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- (2) The occupant and/or owner of property, and the owner of unoccupied property shall at all times maintain the premises occupied or owned by him in a clean and orderly condition. The deposit of or accumulation of garbage, rubbish, rags, tin cans, glass, paper, empty barrels, boxes, or any litter which because of its character, condition or improper storage may invite the breeding or collection of flies, mosquitoes or rodents, or which may in any manner, endanger the public health is prohibited.

9-3 Disposal of Garbage and Rubbish

Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor a menace to health in accordance with the provisions of Act 641, P.A. 1978. Any person or property owner disposing of garbage or rubbish from his own household upon property under his control can dispose of such material as long as such disposal method does not create a nuisance or hazard to health.

9-4 Unlawful Dumping

It shall be unlawful for any person to dump any refuse upon any street, alley or property, public or private. Excluded is the placing of front yard and curb/lawn tree leaves into the street

**ENFORCEMENT RESPONSE PROCEDURE (ERP)
ST. CLAIR COUNTY**

9-8 Violations of Article IX

Violations of this Article shall be deemed as public health nuisances, and the Health Officer may initiate whatever appropriate action considered necessary to protect the public health, safety and welfare of the residents of St. Clair County as set forth in these regulations.

18-1 Enforcement

All premises affected by this code shall be subject to inspection by the Health Officer who may conduct field tests or may collect such samples for laboratory examination as he deems necessary for the enforcement of the provisions hereof. It shall be the responsibility of the Health Officer to enforce these regulations, however nothing contained herein shall be construed to limit the Health Officer from exercising discretion in the enforcement of this code provided enforcement actions are not brought in a capricious manner.

18-2 Misdemeanor Appearance Tickets

- (1) The following public servants of the St. Clair County Health Department are hereby specifically authorized, by authority of Act 368, P.A. 1978, Section 2463, pursuant to Sections 764.9a to 764.9g of the Michigan Compiled Laws, to issue and serve misdemeanor appearance tickets with respect to violations of the rules, regulations and by-laws adopted by the St. Clair County Board of Health and approved by the St. Clair County Board of Commissioners and the statutes of the State of Michigan concerning health matters which are in the jurisdiction of the St. Clair County Health Department, to-wit:

Director of the St. Clair County Health Department

Director of the Environmental Health Division

Sanitarian II (with approval of either of the above)

- (2) No misdemeanor appearance tickets shall be issued for a violation of this code without first having served the person in violation of this code with a written notice of violation which shall describe the violation and shall order correction or abatement allowing the person so cited a reasonable time period to comply with the applicable requirement prior to the issuance of a misdemeanor appearance ticket. A Notice of Violation shall also state that failure to correct or abate the violation in the prescribed manner shall result in the issuance of an appearance ticket.

18-2 Misdemeanor Appearance Tickets, continued:

- (3) The restriction set forth in subsection 2 above shall not apply to any situation or circumstance whereby immediate correction or abatement of a violation or compliance with a law or regulation is necessary or warranted. Examples of such a situation or circumstance may include: Operation of a food service establishment or temporary food service establishment without a valid license, interference with or obstruction of the Health Officer during the performance of his or her duty, or the failure of a person to immediately initiate corrective action

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ST. CLAIR COUNTY**

to abate or remove a condition, object, or situation determined to create an imminent hazard.

18-3 Injunctive Proceedings

Notwithstanding the existence and pursuit of any other remedy, the Health Officer without posting bond, may maintain an action in a court of competent jurisdiction for an injunction or other process against any person to restrain or prevent violations of this regulation or to correct a violation or activity or condition which he believes adversely affects public health pursuant to Act 368, P.A. 1978, Section 2465(1).

18-4 Penalty

Any person who shall fail to comply with any provision herein shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding the sum of two hundred dollars (\$200.00) or by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment in the discretion of the court. Each day a violation of these regulations exists shall constitute a separate and distinct violation and may be cited as such.

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

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

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

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

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

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

Popular Name: Act 451

Popular Name: NREPA

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