SAGINAW COUNTY ORDINANCES

#103 ACCOMODATIONS (Hotel / Motel Room Tax)
To provide for collection of an excise tax on persons engaged in the business of providing rooms for transient guests.
Adopted: June 15, 1976, Amended: April 16, 1985; June 19, 1990; October 17, 2000; May 22, 2001; January 18, 2011

#105 REGULATING OFFICIAL MEETINGS, PROCEEDINGS OR GATHERINGS
To provide remedies for disruption or interference with a lawful meeting.
Adopted: November 12, 1991

#106 REGULATING USE OF COURTHOUSE ALARMS & EMERGENCY EXITS
To provide remedies for violating use of emergency exits, and for activating the alarm system in the Courthouse in the absence of an emergency.
Adopted: November 12, 1991

#107 OPEN HOUSE PARTIES
To eliminate the use of alcohol and other drugs by minors at open house parties.
Adopted: December 14, 1993

#108 SOLID WASTE MANAGEMENT
To regulate specified solid waste management practices, and provide a mechanism for implementation of the Saginaw County Solid Waste Plan, etc.
Adopted: August 17, 1993; Amended: September 21, 1993; September 20, 1994; October 17, 1995; Revised in accordance with Circuit Court Decision July 3, 1996; Amended November 19, 2013 (Attachment A)

#110 CONTROL OF DOGS
To regulate the control of dogs and establishing penalties for violation thereof; establishing license fees for dogs, etc.
Adopted: May 17, 1994, Amended: November 22, 1994; September 19, 1995; October 14, 1997; December 14, 2010

#111 CURFEW FOR MINORS AND PARENTAL RESPONSIBILITY
To regulate (and provide remedies for allowing) youth under the age of seventeen from various unsupervised areas.
Adopted: May 17, 1994

#112 PARKING IN COUNTY OWNED PARKING LOTS
To regulate parking of all motor vehicles in designated county lots.
Adopted: June 27, 1995, Amended: August 15, 1995, June 27, 1996, September 23, 2008

#113 HOUSE ADDRESSING
To provide identification of addresses for the purpose of fire, law and other emergency services.
Adopted: February 25, 1997, Amended: November 15, 2005, Effective: February 14, 2006

#114 SAGINAW COUNTY SOIL EROSION AND SEDIMENTATION CONTROL
To protect County and State Natural Resources
Adopted: January 22, 2002. Amended: February 25, 2003; DEQ Approved May 20, 2003 - Effective: May 29, 2003. Amended: February 24, 2004. Amended: March 23, 2004; DEQ Approved April 28, 2004 - Effective May 7, 2004. Amended: November 16, 2010; DNRE Approved January 7, 2011 – Effective January 14, 2011.

#115 SAGINAW COUNTY MUNICIPAL CIVIL INFRACTIONS
To provide a mechanism for issuing fines for civil infractions
Adopted: February 24, 2004; Amended: May 18, 2004; Effective: May 25, 2004

#116 COST OF PROSECUTION REIMBURSEMENT ORDINANCE
To provide for reimbursement for the costs of administrating justice and prosecuting crimes by people convicted of violating the law
Adopted: May 20, 2008; Effective: July 25, 2008

#117 PHOSPHOROUS ORDINANCE
An Ordinance to Limit, Ban and/or Control the use of fertilizer containing phosphorus in Saginaw County.
Adopted: April 21, 2009; Effective: August 6, 2009

#118 SAGINAW COUNTY PLANNING COMMISSION
An Ordinance amending prior Ordinance and Resolution creating the Saginaw County Planning Commission.
Adopted as Ordinance #2: January 1965; Amended: May 17, 2011

#119 ORDINANCE TO AUTHORIZE AND REGULATE THE OPERATION OF OFF ROAD VEHICLES (ORVs) ON ROADS AND STREETS
Adopted: September 17, 2013; Effective: December 5, 2013

#120 EMERGENCY SERVICES COMMUNICATION ORDINANCE TO PROTECT THE HEALTH, SAFETY AND WELL-BEING OF THE CITIZENS OF SAGINAW COUNTY
Adopted: April 19, 2016; Effective: April 26, 2016

sek 04/16

SAGINAW COUNTY
ORDINANCE #103
ACCOMMODATIONS ORDINANCE

Adopted 6/15/76 (eff. 1/1/77)
Amended 4/16/85 (eff. 7/1/85)
Amended 6/19/90 – Section 2.6
Amended 10/17/00 – Sections 3a and 10 (eff. 1/1/01)
Amended 5/22/01 – Section 3a – (eff. 10/1/01)
Amended 1/18/11 – Section 3a – (eff. 7/26/11)

AN ORDINANCE PROVIDING FOR THE ASSESSMENT AND COLLECTION OF AN EXCISE TAX ON PERSONS ENGAGED IN THE BUSINESS OF PROVIDING ROOMS FOR DWELLING, LODGING OR SLEEPING PURPOSES TO TRANSIENT GUESTS. THE PURPOSE OF THIS ORDINANCE IS TO: REQUIRE REPORTS; PROVIDE FOR TAX CREDITS; PROVIDE FOR THE POWERS AND DUTIES OF THE COUNTY TREASURER; PROVIDE POWER TO CONTRACT FOR FUND ADMINISTRATION; PROVIDE PENALTIES; PROVIDE FOR ABATEMENTS AND REFUNDS; AND PROVIDE FOR DISPOSITION OF REVENUES.

SECTION ONE
Purpose

In the interest of the citizens of Saginaw County, and for the benefit of the general public, and with the purpose of providing to the public and to the citizens convention and entertainment facilities as described in Act 263, Public Acts of Michigan, 1974, as amended; and to establish as Administrator for the administration and enforcement of this Act, the County of Saginaw, Michigan does hereby adopt the following ordinance under Act 156 of the Public Acts of Michigan, 1851, as amended (MSA 5.331).

SECTION TWO
Definitions

(a) "Accommodations" means the room or other space provided for sleeping, including furnishings and other accessories. It does not include food and beverages.

(b) "County Treasurer" means the elected county treasurer or his duly authorized representative.

(c) "Convention and entertainment facilities" means all or any part, or any combination of convention halls, or auditoriums, stadiums, music hall, arenas, meeting rooms, exhibit areas and related public areas.

(d) "Person" means a natural person, partnership, fiduciary, association, corporation or other entity.

(e) "Revenues" means the income derived from the excise tax levied under this Ordinance, plus interest and penalties imposed by this Ordinance.

(f) "Transient guest" means a natural person staying less than 30 consecutive days.

(g) "Quarter" means a three calendar month period; the first commencing January 1 of each year.

SECTION THREE
Levy of Tax; Collections; Rate; Exceptions; Credits

(a) There is levied upon and shall be collected from all persons engaged in the business of providing rooms for dwelling, lodging or sleeping purposes to transient guests, whether or not membership is required for the use of the accommodations, an excise tax equal to 5% of the total charge for accommodations. Effective September 1, 2011, this 5% shall be used solely for the maintenance and operation of Convention & Visitors Bureau programs and to fulfill requirements of 2010 Public Act 254, the Regional Convention and Tourism Promotion Act establishing the Great Lakes Bay Regional Convention & Visitors Bureau.

(b) No tax shall be imposed upon hospitals or nursing homes, or upon a corporation or association organized and operated exclusively for religious, charitable or educational purpose, in which no part of the net earnings inures to the benefit of any private shareholder or individual.

(c) All persons subject to this tax may receive a tax credit of 100% of the tax the person collected up to a maximum of $750 per quarter for all funds expended for hotel, motel promotions, advertising or for promotion and encouragement of tourists and convention business in the County of Saginaw.

(d) In order to receive the tax credit set forth in Section 3(c), the person shall file, along with the quarterly report required by Section 5(a), an affidavit setting forth the amount expended and what the funds were expended for along with such substantiating documents and details as the County Treasurer may reasonably require.

SECTION FOUR
Collections

All persons who are engaged in the business of providing rooms for dwelling, lodging or sleeping purposes to transient guests shall collect the tax imposed in Section 3 for the County of Saginaw.

SECTION FIVE
Reports; Remittances; Interest; Tax Returns

(a) On or before the 30th day following each quarter, every person required in Section 4 to collect the tax shall file a report for the preceding quarter with the County Treasurer showing the total amount of consideration paid for all accommodations in the preceding quarter, the amount of the tax collected on such accommodations and any other information that the County Treasurer may reasonably require. Such person shall pay the tax due on such accommodations at the time of filing his report with the County Treasurer. All remittances of taxes imposed by this Ordinance shall be to the County Treasurer by bank draft, check, cashier's check,

money order, certificate of deposit or money. The County Treasurer shall issue his receipt, and shall deposit all monies received in a special fund of the County; provided, however, that no remittance other than cash shall be a final discharge of liability for the assessed and levied tax unless and until it has been paid in cash.

(b) Interest at the rate of 1% per month, or a fraction thereof, shall be imposed on the unpaid tax after the due date until paid. Such interest shall continue at the rate of 1% per month, or fraction thereof, until paid. Any and all interest added shall be collected as a part of the tax.

(c) Every person subject to the operation of this Ordinance shall annually file with the County Treasurer a copy of any and all Sales Tax Returns required by the State of Michigan within 30 days after filing same with the State.

SECTION SIX
Powers and Duties of County Treasurer; Rules and Regulations; Collection Expenses

The County Treasurer shall collect the tax imposed in Section 3 and shall administer and enforce this Ordinance. The County Treasurer shall have the power to make such rules and regulations subject to the approval of the Board of Commissioners as are necessary to effectively collect the tax and shall, upon reasonable notice, have access to books and records necessary to enable him to determine the correctness of any report filed as required by this Ordinance and the amount of taxes due under the provisions of this Ordinance. The County Treasurer shall furnish forms, instructions, manuals and other materials necessary for endorsement of the tax and the auditing of tax returns to each taxpayer. The County shall receive actual and reasonable costs from all proceeds collected under this Ordinance for collection expenses incurred by the County Treasurer's office plus all interest and penalty fees.

SECTION SEVEN
Penalties

Any person who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed $500, imprisonment in the County Jail for a period not to exceed 90 days, or by both such fine and imprisonment. In addition, any person who fails to remit the tax or violates the reporting provision imposed by this Ordinance within the time required shall forfeit the additional 5% of the amount of the unpaid tax per month or fraction thereof after the due date thereof until paid; provided, however, the penalty shall not exceed 25% of the unpaid tax.

SECTION EIGHT
Abatements and Refunds

If a return or remittance is filed after the due date set forth in Section 5, and it is shown that the failure to file it was due to reasonable cause and not due to willful neglect as determined by the County Treasurer, the penalty and interest prescribed in Section 8 shall not apply; provided, however, the County Treasurer shall at no time have the power or authority to cancel or diminish any part of the tax imposed under this Ordinance unless the tax was inadvertently collected from a person meeting the requirements in Section 3(b) or a court of competent jurisdiction orders such.

SECTION NINE
Other Taxes Notwithstanding

The taxes levied under this Ordinance shall be in addition to any other taxes, charges or fees.

SECTION TEN
Disposition of Revenues

The revenues derived from the taxes imposed pursuant to this Act shall be deposited by the County Treasurer in a Revenue Receiving Fund to be used by the County for the purpose of one or more of the following:

(a) To pay the cost of administrative and enforcement of this Ordinance. To pay such cost, the County shall receive from all proceeds collected under this Ordinance such amount as shall be determined from time to time by the Board of Commissioners for collection expenses incurred by the Administrator.

(b) The promotion and encouragement of tourist and convention business in the County.

(c) The financing of the acquisition, construction, improvement, enlargement, repair, or maintenance of convention and entertainment facilities, as allowed by law.

SECTION ELEVEN
Investment of Funds

Monies in the Revenue Receiving Fund may be invested by the County Treasurer in bonds, notes, bills and certificates of the United States of America. In the event such deposits are made, the security representing the same shall be kept on deposit with the depository of the fund from which such investments are made, and such securities and the income from the securities shall become a part of the Revenue Receiving Fund.

SECTION TWELVE
Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

End

SAGINAW COUNTY
ORDINANCE #105
REGULATING DISRUPTING OFFICIAL MEETINGS, PROCEEDINGS OR GATHERINGS

Adopted 11/12/91 - Resolution F

WHEREAS, The Board of Commissioners deems it appropriate to adopt an ordinance governing disturbing official meetings and gatherings.

NOW, THEREFORE, the County of Saginaw ordains:

SECTION 1

No person shall, with purpose to prevent or disrupt a lawful meeting, proceeding or gathering:

(a) Do any act tending to obstruct or interfere with it physically, or

(b) Make any utterance, gesture or display designed to outrage the sensibilities of the group;

(c) Address the meeting without being duly acknowledged by the presiding official.

SECTION 2

Any person who shall violate this provision shall be guilty of a misdemeanor punishable by confinement in the county jail for up to 90 days and/or a fine of $500.

SECTION 3

All county ordinances and resolutions or a part thereof, insofar as the same may be in conflict with this ordinance, are hereby superseded.

SECTION 4

This ordinance shall take effect sixty (60) days from the date of adoption by the Saginaw County Board of Commissioners providing a copy has been published in The Saginaw News and The Saginaw Press, Saginaw, Michigan.

SAGINAW COUNTY
ORDINANCE #106
REGULATING THE USE OF
COURTHOUSE ALARMS & EMERGENCY EXITS

Adopted 11/12/91 - Resolution G

WHEREAS, The Board of Commissioners deems it appropriate to adopt an ordinance governing the use of Courthouse Alarms & Emergency Exits.

NOW, THEREFORE, the County of Saginaw ordains:

SECTION 1

It shall be unlawful for any person to do or cause to be done any of the following acts:

(a) Activate any alarm system within the Saginaw County Courthouse in the absence of an emergency;

(b) Use exits designated by the County as an "Emergency Exit", unless and until an emergency has been declared;

The County Controller shall cause to be posted on each emergency exit the following warning:

WARNING
THIS IS AN EMERGENCY EXIT ONLY. THE IMPROPER USE OF THIS DOOR IN THE ABSENCE OF AN EMERGENCY IS A MISDEMEANOR PUNISHABLE BY 90 DAYS IN JAIL AND/OR $500 FINE.

For the purpose of this ordinance an "emergency" is defined as any life threatening or life endangering situation including bomb scare, fire, earthquake, or any act of nature which renders the courthouse complex unsafe to life and limb.

SECTION 2

Any person violating or refusing to comply with the term of this ordinance shall be guilty of a misdemeanor and punishable by a fine of up to $500 and/or 90 days in the county jail

SECTION 3

All county ordinances and resolutions or a part thereof, insofar as the same may be in conflict with this ordinance, are hereby superseded.

SECTION 4

This ordinance shall take effect sixty (60) days from the date of adoption by the Saginaw County Board of Commissioners providing a copy has been published in The Saginaw News and The Saginaw Press, Saginaw, Michigan.

SAGINAW COUNTY
ORDINANCE #107
OPEN HOUSE PARTY

Adopted 12/14/93 - Report 4.10

SECTION I
Purpose

The purpose of this Ordinance is to eliminate the use of alcohol and other drugs by minors at open house parties. The Board of Commissioners of Saginaw County recognize that the use of alcohol and other drugs by minors causes social, emotional, and legal problems for minors, their families, and the public at large. The Saginaw County Board of Commissioners realize that these problems can be significantly alleviated by adults assuming responsibility for the availability of alcohol and other drugs at open house parties occurring at their residence or premises.

SECTION II
Definitions

For the purposes of this Ordinance, the following terms shall be defined as follows:

(a) "Minor" means any person younger than 21 years of age.

(b) "Alcoholic beverage" means "alcoholic liquor" as defined by MCLA 436.2 and as the same may be amended from time to time.

(c) "Drugs" means a controlled substance as defined now or hereafter by the Public Acts of the State of Michigan, including such controlled substances as defined by 1978 PA 368, as amended, being MCLA 333.7104 and by the Administrative Code 1979 AC, R-338.3111, et. seq.

(d) "Residence or premises" means a motel room, hotel room, home, apartment, condominium, or other dwelling unit, including the curtilage of the dwelling unit, or hallway, meeting room or other places of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for social functions, and whether owned, leased or rented or used with or without compensation.

(e) "Open house party" means a social gathering of persons at a residence or premises.

(f) "Control" means any form of regulation or dominion including a possessory right.

SECTION III
Regulation

No person having control of any residence or premises shall allow an open house party to occur at their residence or premises if any alcoholic beverage or other drug is possessed, consumed or used at the residence or premises by any minor where the person knew or reasonably should have known that any alcoholic beverage or other drug was in the possession of or being used or

consumed by a minor at the residence or premises, and/or where the person failed to take reasonable steps to prevent the possession, consumption or use of-alcoholic beverage or other drug at the residence or premises.

SECTION IV
Exceptions

The provisions of this Ordinance shall not apply to:

(a) The consumption, use or possession of a drug by a minor pursuant to a lawful prescription for such drug;

(b) Religious observances and medical treatment; and

(c) Possession as may be incidental to the lawful employment of such minor.

SECTION V
Penalties

The penalties for violation of this Ordinance shall be as follows:

(a) The first violation of this Ordinance shall make the offender subject to a penalty of a fine not exceeding $500 or imprisonment in the county jail for a term not to exceed 30 days or by both a fine and imprisonment. The offender shall also be required to attend substance abuse awareness classes and/or counseling as directed by the court; costs to be paid by the offender.

(b) For subsequent violations, the offender shall be subject to a sentence of a fine not exceeding $500 or imprisonment in the county jail for a term not to exceed 90 days or by both a fine and imprisonment; costs to be paid by the offender.

(c) Severability: Should any section, subdivision, clause or phrase of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so invalidated.

SECTION VI
Effective Date

This Ordinance shall take effect immediately upon publication.

SAGINAW COUNTY
ORDINANCE #108
SOLID WASTE MANAGEMENT

Adopted 8/17/93
Amended 9/21/93
Amended 11/9/93
Amended 10/17/95
Revised as set fourth in Circuit Court Decision 7-3-96
Amended 11/19/13

SECTION 100
Preamble

An ordinance to protect the public health and land, air, water, and other natural resources of the county; to supplement provisions of the Michigan Solid Waste Management Act 641 as amended, and its administrative rules; to regulate specified solid waste management practices; to control the operations of solid waste facilities and prevent any adverse off-site effects of operations; to provide an enforceable mechanism for implementation of the Saginaw County Solid Waste Plan; to prescribe the powers and duties of agencies; to provide for variances; and to provide for penalties and remedies.

SECTION 110
General Provisions

111 Enabling Clause

111.1 The County of Saginaw hereby adopts the Saginaw County Solid Waste Ordinance pursuant to the provisions of the Michigan Solid Waste Management Act P.A. 641 of 1978, as amended the Public Health Code P.A. 368 of 1978, as amended, General County Law, Act 156 of 1851, as amended, and the Saginaw County Solid Waste Management Plan.

112 State Incorporated Requirements

112.1 Incorporated in this ordinance by reference are: Sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 13a, 14, 15, 15a, 16, 17, 18, 19, 20, 21, 22, 22a, 23, 24, 25, 32a, 32b, 33, and 35 of Act No. 641 Public Acts of 1978, as amended, and the State Administrative Rules promulgated thereunder, being rule 299.4101 through rule 299.4109 and being rule 299.4301 through rule 229.4602 of the Michigan Administrative Code, as filed with the Secretary of State on December 21, 1981. Copies of any material referenced in this section (Act 641 and the State Administrative Rules) are available at a nominal charge from the Saginaw County Controller's Office, 111 S. Michigan, Saginaw, Michigan 48602.

113 County Requirements

113.1 ~~Proposals for construction, modification, expansion, alteration, or reconstruction of a solid waste disposal area shall comply with this solid waste ordinance and applicable provisions of the approved Saginaw County Solid Waste Management Plan. Operations of a solid waste disposal area shall comply with this solid waste ordinance and applicable provisions of the Saginaw County Solid Waste Management Plan. Copies of the Solid Waste Management Plan are available for review or for purchase from the Saginaw County Controller's Office, 111 S. Michigan, Saginaw, Michigan 48602.~~
Pre-empted by Act 451 of 1994 and MCLA 324.11501 et seq.

113.2 This solid waste ordinance shall be applicable in Saginaw County as provided by law.

113.3 ~~All solid waste disposal areas shall be designed, constructed, operated, maintained, monitored, and closed in accordance with the requirements of Act 641, the State Administrative Rules promulgated thereunder, and any amendments thereof, this ordinance, and the Saginaw County Solid Waste Management Plan. Incorporated by reference and made a part of this Ordinance, are the attached P.A. Act 641 Administrative Rules.~~
Pre-empted by Act 451 of 1994 and MCLA 324.11501 et seq.

114 Technological Advances

114.1 The use of technological advances which meet the intent of applicable sections of this ordinance shall not be prohibited. An applicant or licensee who wishes to utilize a newly developed system, device or procedure, shall request approval from the Solid Waste Management Department prior to use of the new technology. If the Solid Waste Coordinator determines that the technological advance would provide performance equivalent to a requirement of this ordinance, the new technology shall be approved.

SECTION 120
Definitions

120.1 The words and phrases used in this Ordinance have the meanings ascribed to them by this section, or Sections 3 through 7 of Act 641 of the Public acts of 1978, as amended, being Section 299.403 through Section 299.407 of the Michigan Compiled Laws, or Rules R299.4101 through R299.4105 Michigan of the State Administrative Rules.

120.2 Words and phrases used in the present tense include the future; words and phrases in the masculine gender include the feminine; the singular number includes the plural and the plural includes the singular.

120.3 Where words and phrases are not defined under the provisions of this section, they shall have ascribed to them their ordinarily accepted meanings, or such as the context herein may imply.

"Act 245" means Act No. 245 of the Public Acts of 1929, as amended, being Section 323.1 et. seq. of the Michigan Compiled Laws, entitled and known as the water resource commission act.

"Act 368" means, Act No. 368 of the Public Acts of 1978 as amended, being Section 333.1101 et. seq. of Michigan Compiled Laws, entitled and known as the public health code.

"Act 641" means Public Act 641 of the Public Acts of 1978, as amended, being Section 299.401 et. seq. of the Michigan Compiled Laws and known as the solid waste management act.

"C.F.R." means the Code of Federal Regulations published by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C.

"Compliance Boundary" means the solid waste boundary or an alternative boundary specified in accordance with 40 C.R.R. part 257.3-4(b).

"Composting" means a method of waste treatment in which organic solid wastes, such as yard waste, are biologically decomposed under controlled conditions.

"County" means the County of Saginaw, Michigan.

"County Commission" means the Saginaw County Board of Commissioners.

"Designated Solid Waste Agency" means the Saginaw County Solid Waste Coordinator for receipt and analysis of data and reports on waste amounts and facility capacities as required in Sections 260, 270, 280, and 290; the Saginaw County Recycling Coordinator for receipt and analysis of waste audits and recycling plans as required by Section 130; or the Enforcement Agency or Saginaw County Prosecutor for criminal complaints and warrants as authorized in Section 330.

"Enforcement Agency" means The Saginaw County Health Department, provided the Health Department remains certified by the Department of Natural Resources for the enforcement provisions of Section 330.

"Enforcement Agency Director" means the Health Officer of the Saginaw County Health Department or his/her authorized representative.

"Existing Solid Waste Disposal Area" means a solid waste disposal area that received an Act 641 construction permit or operating license exemption on or before the effective date of this Ordinance.

"Fugitive Dust" means particulate matter emitted into the outdoor atmosphere from outdoor or indoor activities, operations or premises due to forces of wind or people activity.

"Gas Migration Control" means a system to prevent lateral gas movement from the site, or gas accumulation in nearby structures on-site or off-site.

"Generator" means any person, county, municipality, state or federal facility whose activity results in the generation of a solid waste.

"Hazardous Waste" means those wastes that are regulated by Act No. 64 of the Public Acts of 1979 as amended or 40 CFR parts 260 through 265 of the Federal Regulation.

"Health Officer" means the Director of the Saginaw County Health Department.

"Household Hazardous Waste" means any material commonly found in the household, which because of its quantity, concentration or physical, chemical or infectious characteristic, may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or otherwise managed.

"Leachate" means liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from the wastes.

"Licensee" means the person to whom an Act 641 Solid Waste Disposal Area License has been issued.

"Liner" means any natural soil sidewall or base, compacted soil sidewall or base, or synthetic material sidewall or base which is utilized to contain solid waste or the leachate generated therefrom.

"Liquid" means a fluid with a solids content less than 20% as determined by ASTM Standard D2216 and shall not contain any free liquid as determined by Method 9095, the Paint Filter Test.

"Main Interior Haul Roads" means all on-site roads which are used by solid waste transporting units on a routine basis.

"Non-residential property or multi-family housing" is defined as a building or portion thereof containing three or more dwelling units or a commercial or industrial business.

"Off-site Roads" means all roads and their respective right-of-way, outside the solid waste disposal area boundary, which are used by solid waste transporting units entering or exiting the solid waste disposal area.

"On-site Roads" means all roads temporary or permanent which are within the licensed solid waste disposal area.

"Person" means an individual; sole proprietorship; partnership; association; corporation, public or private, organized or existing under the laws of this state or any other state, including a federal corporation; this state or an agency or department of this state; cities, villages and townships in this state; or a county in this state.

"Planning Committee" means the committee appointed to assist in the implementation of the approved Saginaw County Solid Waste Management Plan.

"Recyclable Materials" means site and source separated materials, corrugated cardboard, mixed papers, office papers, glass, plastic, metal, cloth fiber, rubber, leather, wood, yard clippings and other materials which can be recycled or composted.

"Readily Recyclable Items" means site and source separated materials, corrugated cardboard, mixed paper, glass, plastic and metal containers and packaging, office papers, cloth fiber, rubber, leather, wood, engineered plastics, yard clippings and other materials for which markets and recycling services exist, as identified in the approved recycling plan of generators using Saginaw County disposal facilities.

"Regulated Waste" means waste regulated under P.A. 641.

"Resource Recovery Facility" means machinery, equipment, structure or any parts or accessories of machinery, equipment or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream.

"Sewage" means a liquid waste which includes human excreta, waste from sink, lavatory, bathtub, shower or laundry, and any other liquid waste of organic or chemical nature, either singularly or in any combination thereof.

"Site Separated Material" means glass, metal, wood, paper products, plastics, rubber, textiles, garbage, yard clippings, or any other material approved by the MDNR that is separated from solid waste for the purpose of conversion into raw materials or new products. Site separated material does not include the residue remaining after glass, metal, wood, paper products, plastics, rubber, textiles, or any other material approved by the MDNR is separated from solid waste.

"Siting Committee" means the committee appointed to make decisions regarding the placement of solid waste disposal facilities within Saginaw County, as set forth in the Saginaw County Solid Waste Management Plan.

"Sludge" means any semisolid that has more than 20% but less than 60% solids as determined by ASTM Standard D2216 and shall not contain any free liquid as determined by Method 9095, the Paint Filter Test.

"Solid Waste" means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, and solid commercial and solid industrial waste, domestic animal waste, but does not include human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products. Solid waste does not include yard waste or compost from yard waste, site or source separated recyclable materials.

"Solid Waste Disposal Area" means a solid waste transfer facility, incinerator, sanitary landfill, processing plant, and resource recovery facility or other solid waste handling and disposal facility utilized in the disposal of solid waste.

"Solid Waste Management Plan" means the approved Saginaw County Solid Waste Management Plan, as required by Sections 25 and 29 of Act 641.

"Sorbent" means a material added to sludge to increase the solids content.

"Source Separated Material" means glass, metal, wood, paper products, plastics, rubber, textiles, garbage, yard clippings, or any other material approved by the MDNR that is separated at the source of generation for the purpose of conversion into raw materials or new products.

"Ton" means two thousand (2000) pounds.

"Transfer Station" means a facility where waste materials are taken from smaller collection vehicles and placed in larger vehicles for transport (by truck trailers, railroad cars or barges) to more distant disposal sites. Recycling and some processing may also take place at transfer stations.

"Water Wash System" means a water-based system to clean the wells, tires, undercarriage and any portion of a vehicle that has mud, dirt or debris on it that may be tracked onto a road.

"Yard Clippings" means leaves, grass clippings, vegetable or other garden debris, shrubbery or brush or tree trimmings, less than 4 feet in length and 2 inches in diameter, that can be converted to compost humus. Yard clippings do not include stumps, agriculture wastes, animal waste, roots, sewage sludge, or garbage.

SECTION 130
Recycling

130.1 Residential Uses

A. Commencing with the 1995 annual report (due pursuant to Section 260.2 on January 30, 1996) each township, city and village in the County of Saginaw shall submit to the Solid Waste Management Department on a form provided by the Department a plan for the provision of solid waste and recycling services for its residents. The plan shall be updated and submitted to the Department by January 30, 1999 and every three years thereafter, unless the plan is radically altered. In that case, an updated plan shall be due within 60 days.

This plan shall include an estimate of the type and amounts of recyclable materials generated, availability of recycling markets or services, items targeted for recycling, and the estimated recovery rate. The plan must adequately describe a program which can recycle targeted materials.

B. Each township, city or village shall file annually commencing with the 1996 annual report, a certification stating that the municipality has complied with its solid waste and recycling service plan.

C. Effective October 30, 1996, residential generators of solid waste shall recycle the following targeted items, metal food containers, clear glass, mixed papers, corrugated cardboard and #2 plastic. Procedures to recycle these materials must be addressed in the municipality's solid waste and recycling service plan.

130.2 Commercial Uses (Submittal of recycling plans for business and industry are voluntary, however the annual certification should be filed as stated in Section 130.2B - *See attached County Services Report 10-17-1.4)

A. Each commercial and industrial establishment in the County of Saginaw shall submit to the Solid Waste Management Department on a form provided by the Department, no later than May 1, 1996 or within 60 days of the commencement of the operation of a new business, a solid waste audit and recycling plan. The plan shall be updated and submitted to the Department by October 30, 1999 and every three years thereafter, unless the business operation and/or recycling plan is radically altered; in that case, an updated plan shall be due within 60 days.

This plan shall include an estimate of the type and amounts of recyclable materials generated, availability of recycling markets or services and items targeted for recycling, and the estimated recovery rate. The plan must adequately describe a program which can recycle targeted materials.

B. Each commercial or industrial establishment shall file annually a certification, commencing October 30, 1996, stating that the establishment has complied with

its previously submitted solid waste audit and recycling plan, including an estimate of targeted materials recycled.

C. Effective October 30, 1996, commercial or industrial generators of solid waste categorized below shall recycle targeted items. Procedures to recycle these materials must be addressed in the generator's solid waste audit and recycling plan:

GENERATOR TYPE:	TARGETED MATERIALS
Agriculture	Corrugated cardboard, mixed containers
Transportation / Utilities	Corrugated cardboard, office paper or packaging / pallets
Retail Trade	Corrugated cardboard, office paper or packaging / pallets
Finance / Professional	Office paper, corrugated cardboard
Services / Education	Corrugated cardboard, office paper or mixed containers
Government	Office paper, corrugated or cardboard mixed containers

D. Effective October 30, 1996, the commercial or industrial generators of solid waste categorized below shall recycle targeted items, if those materials constitute the percentages of the generators waste-stream volume listed below. Procedures to recycle these materials must be addressed in the generator's solid waste disposal and recycling plan:

GENERATOR TYPE Wholesale Trade/Manufacturing			
TARGETED MATERIALS/PERCENTAGES			
Cardboard-25%	Engineered Plastic-50%	Fiber-20%	Glass-40%
Leather-30%	Packaging Plastic-30%	Mixed Paper-40%	Metal-25%
Food-40%	Rubber-20%		

GENERATOR TYPE Construction			
TARGETED MATERIALS/PERCENTAGES			
Cardboard-25%	Glass-40%	Fiber-20%	Leather-30%
Packaging Plastic-30%	Metal-25%	Mixed Paper-40%	Rubber-20%
			Wood-40%

130.3 Non-residential Property or Multi-family Housing

A. Each person who owns non-residential property or multi-family housing property in the County of Saginaw shall submit, to the Solid Waste Management Department on a form provided from the Department, no later than May 1, 1996 or within 60 days of the commencement of the operation of a new business, a solid waste audit and recycling plan. The plan shall be updated and submitted to the Department by October 30, 1999 and every three years thereafter, unless the plan is radically altered. In that case, an updated plan shall be due within 60 days.

This plan shall include an estimate of the type and amounts of recyclable materials generated, availability of recycling markets or services and items targeted for recycling, and the estimated recovery rate. The plan must adequately describe a program which can recycle targeted materials.

B. Each person who owns non-residential property or multi-family housing property in the County of Saginaw shall file annually a certification, commencing October 30, 1996, stating that the establishment has complied with its previously submitted solid waste audit and recycling plan, including an estimate of targeted materials recycled.

C. Each person who owns non-residential property or multi-family housing property in the County of Saginaw shall provide for services which can recycle targeted materials, including:

(i) easily accessible locations for the collection of designated recyclable materials;

(ii) appropriate instructions to all persons occupying each multi-family unit and non-residential unit to ensure that all designated recyclable materials are collected;

(iii) collection and transportation to a resource recovery facility of designated recyclable materials at a frequency of not less than once per month, or as necessary to recycle designated materials.

ALSO SEE COUNTY SERVICES REPORT 10-17-1.4 1996 (parts moot)

~~SECTION 140~~
~~Prohibited Wastes~~
Pre-empted by Act 451 of 1994 and MCLA 324.11501 et seq.

~~SECTION 150~~
~~On-Site Roads~~
Pre-empted by Act 451 of 1994 and MCLA 324.11501 et seq.

~~SECTION 160~~
~~Off-Site Road Maintenance~~
Pre-empted by Act 451 of 1994 and MCLA 324.11501 et seq.

SECTION 170 - THIS SECTION IS LEFT BLANK INTENTIONALLY

SECTION 180 - THIS SECTION IS LEFT BLANK INTENTIONALLY

SECTION 190 - THIS SECTION IS LEFT BLANK INTENTIONALLY

~~SECTION 200~~
~~Landscaping Requirements~~
Pre-empted by Act 451 of 1994 and MCLA 324.11501 et seq.

~~SECTION 210~~
~~Fugitive Dust, Noxious Odors, Noise, and Blowing Debris~~
Pre-empted by Act 451 of 1994 and MCLA 324.11501 et seq.

~~SECTION 220~~
~~Sludge Disposal, Monitoring and Reporting Requirements~~
Pre-empted by Act 451 of 1994 and MCLA 324.11501 et seq.

~~SECTION 230~~
~~Ground and Surface Water Quality~~
Pre-empted by Act 451 of 1994 and MCLA 324.11501 et seq.

~~SECTION 240~~
~~Processing, Recycling, Composting, Transfer Facilities~~
Pre-empted by Act 451 of 1994 and MCLA 324.11501 et seq.

~~SECTION 250~~
~~Post-Closure Requirements~~
Pre-empted by Act 451 of 1994 and MCLA 324.11501 et seq.

SECTION 260
Waste Stream, Reporting

260.1 Each solid waste landfill, incinerator and resource recovery facility included in the Saginaw County Solid Waste Management Plan shall submit to the Solid Waste Management Department, each month, the amount of solid waste received each month, expressed in cubic yards, measured at the time it is received at the facility gate, and in tons, to be determined from gate receipt records and a manifest system. All waste received in Saginaw County must be generated in a county named in the Plan. No waste originating from an unnamed county and brought to a transfer station in a named county may be brought into Saginaw County. If a facility does not have a scale, an estimate of tons and the assumptions or conversion factors used to estimate weight shall be included. In addition, each facility must report the following:

A. The amount, in tons or gate yards, of the incoming and/or processed waste stream that was sent for recycling and the source of these materials.

B. The amount, in tons or gate yards, of the incoming and/or processed waste stream that was sent for land disposal, and the source of these materials.

260.2 Each community disposing of waste in landfills, incinerators, or resource recovery facilities that are identified within the Saginaw County Solid Waste Management Plan

must report annually on a calendar year basis to the Solid Waste Coordinator the following information:

A. Volume or weight of residential solid waste collected by or on behalf of the community.

B. Volume or weight of residential solid waste delivered to landfills, incinerators, resource recovery facilities, and composting operations.

C. Percentage that the disposal volume has increased or decreased since the previous year for each type of disposal.

D. Disposal location(s) utilized by the community.

260.3 All waste stream reports shall be submitted within ten (10) working days after the end of each month on forms provided by the Designated Solid Waste Agency.

SECTION 270
Facility Capacity Reporting

270.1 Each sanitary landfill licensee shall retain the services of a State licensed professional engineer, who will submit annually to the Designated Solid Waste Agency the following information:

A. An updated topographic survey and accompanying calculations which will indicate the volume of space remaining with respect to the licensed approved finish elevation, to be filled as of the first of January of each year. The volume shall be expressed in cubic yards or acre-feet.

B. A calculation of the ratio of the volume of refuse delivered to the facility to the volume of compacted in-place refuse. This ratio, when possible, should be determined based on the previous year(s) experience.

C. A projection of the landfill life expectancy based on data supplied in Subsection 260. The projection is to be expressed in years or fractions of years.

D. All changes in design or operating techniques which would cause change in remaining capacity; and the anticipated effect of these changes on life expectancy.

270.2 Each solid waste disposal area included within the Saginaw County Solid Waste Management Plan other than a sanitary landfill shall annually submit to the Designated Solid Waste Agency the following information:

A. A statement describing the expected availability to provide volume reduction or disposal capacity of the facility after the first of January of each year.

B. All changes in facility design or operating techniques which would cause changes in the availability of the facility; and anticipated effect of these changes on the availability.

270.3 All information required by Subsection 270 shall be submitted by January 31 of the following year on forms to be provided by the Solid Waste Management Department.

SECTION 280
Surcharge

280.1 A surcharge will be imposed on each cubic yard, as measured at the gate of the facility, disposed of at a landfill to fund the implementation of the Solid Waste Plan according to Attachment A. Gate yards will be reported as required in Section 260, Waste Stream Reporting.

280.2 The surcharge shall be collected by the owner or operator of a landfill and surcharge payments shall be submitted within ten (10) working days after the end of each calendar quarter using the forms provided for Waste Stream Reporting. Surcharge payments are due to the Saginaw County Treasurer.

280.3 Interest, at the state statutory judgment rate, will be charged for all fees received after ten (10) working days.

280.4 This surcharge may be amended by resolution of the Saginaw County Board of Commissioners and shall take effect when notice of the adoption of the amendment is published in a newspaper of general circulation in the County. The fee schedule is shown in Attachment A.

SECTION 290
Licensing Solid Waste Haulers

290.1 All persons or business entities regularly engaged in the business of transporting solid waste anywhere in Saginaw County, and all persons or business entities making single deliveries of solid waste in motor vehicles and/or motor vehicle-trailer combinations capable of hauling one ton or more of solid waste, (e.g., dual rear axle trucks or single axle trucks having four rear wheels, or larger vehicles, or any combination of a motor vehicle and trailer capable of hauling one ton or more of solid waste) shall be licensed, or shall have a permit, and have an authorized identification sticker affixed to the vehicle, in accordance with the terms of this Ordinance. A transporter shall be responsible for the suitability of a material for transport and proper hauling procedures.

290.2 Persons and business entities regularly engaged in hauling solid wastes into, out of or within Saginaw County shall obtain an annual license to engage in that activity. The fee for a license and identification sticker shall be set and may be changed by resolution of the Saginaw County Board of Commissioners. License applications and annual stickers may be purchased from the Saginaw Solid Waste Management Department for each vehicle owned by the person or business entity hauling solid waste, according to the fees listed in Attachment A.

290.3 Occasional or one-time haulers of solid waste in motor vehicles and/or motor vehicle-trailer combinations capable of hauling one ton or more of solid waste shall a obtain a permit for each such delivery to a licensed landfill. The fact of such delivery and information regarding the content of the solid waste delivered shall be recorded by the disposal facility and reported on forms as provided in Section 260, Waste Stream Reporting.

290.4 A person operating or otherwise in control of a solid waste disposal area within the County shall not accept solid waste for disposal from any person not authorized under this Ordinance to transport solid waste within the County.

290.5 A solid waste hauler shall not transport solid waste within the County with a motor vehicle unless the vehicle has been properly described in the solid waste hauler permit/license application and the Solid Waste Management Department has been provided such information in writing prior to placing the vehicle in service.

291 Exemptions

291.1 A private citizen transporting solid waste to a licensed solid waste disposal area is exempt from the requirements of Section 290 providing the solid waste material was generated by that person and not collected from other sources, that person does not receive compensation or other remuneration from another person for the transportation or disposal of said solid waste, and the amount of solid waste being transported or disposed of does not exceed 10 cubic yards per load or 1000 cubic yards per year.

291.2 Municipally owned and operated waste hauling vehicles used exclusively for residential or municipal collection are exempt from the licensing fee. All other provisions of this Ordinance apply to municipal vehicles. Municipalities must participate in all waste stream reporting requirements upon deposit of collected waste.

291.3 Wastes being hauled through Saginaw County, originating outside of Saginaw County, not being disposed of in Saginaw County and making no additional loading or unloading stops in Saginaw County, are not required to be licensed.

292 Licensed Hauler Reporting Requirements

All persons and business entities holding an annual license to transport solid wastes in Saginaw County licensed landfills shall file a quarterly report of the tons and types of materials delivered during the preceding quarter. The reports shall be filed within the first ten (10) working days of the month following the quarter for which the report is required, and shall be in the form and contain the information stated on the forms provided by the Solid Waste Management Office.

293 Suspension of License

Any licensed hauler of solid waste who fails to make the required monthly report within the time periods set forth in this Ordinance shall have its license suspended. The Environmental Agency shall notify the licensed hauler of solid waste and the licensed landfill operators within Saginaw County of each license suspension. The license shall be immediately restored following compliance with the terms of the Ordinance. Two (2) or more consecutive failures to make timely reports, or a continuing pattern of failures to make timely reports, or a failure to make accurate reports, in accordance with the terms of this Ordinance, may result in the revocation of the solid waste haulers license.

293.1 If material is collected, transported, or disposed of without a permit or license, pursuant to this Ordinance, the owner or operator of the vehicle from which such disposal occurs shall inform the Solid Waste Management Department and shall within ten (10) working days of the event file a written report with the Solid Waste Management Department containing a complete description of the circumstances under which the disposal occurred.

294 Inspection

294.1 The Enforcement Agency may make periodic inspections of solid waste transport vehicles for the purpose of verifying load information and to determine compliance with requirements of this Ordinance and Public Act 641 of 1978, as amended.

294.2 The solid waste transport unit owner, operator, or other representative shall be entitled to be present during an inspection conducted pursuant to this section, however, the presence of the licensee or an authorized representative of the licensee is not a condition precedent to such inspection.

294.3 An inspection conducted pursuant to this section may be initiated at any time that the Enforcement Agency requesting the inspection has a reasonable belief that a solid waste transporting unit contains solid waste material destined for a disposal area within the County. The fact that an owner, operator, or other representative leaves the solid waste transporting unit unattended after an inspection has been initiated shall not require termination of the inspection.

294.4 Any vehicle inspection conducted pursuant to this section and performed at a disposal area shall not exceed two hours unless a warrant to search has been issued for same. Any such inspection performed at a location other than a disposal area may not exceed (thirty) 30 minutes unless warrant to search has been issued for same.

294.5 Whenever refuse in a truck cannot be properly inspected without discharge from the truck, the inspection shall be conducted at a disposal site.

294.6 There shall be no more than six (6) inspections under this section of any one solid waste transporting unit conducted within any consecutive six (6) month period except pursuant to a search warrant.

SECTION 300
Compliance Schedule

300.1 The Enforcement Agency may issue a compliance schedule, including a sequence of actions, measures, or operations to provide for the upgrading of an existing solid waste disposal area within a reasonable time period.

300.2 For any existing solid waste disposal area, licensed or unlicensed, at which site preparation has been completed, Section 150 and 200 shall be excluded from the compliance schedule of Subsection 300.1 unless operation of the disposal area is found to cause a violation of this Ordinance. Based on a violation, the Enforcement Agency Director may issue a new compliance schedule to abate the violation; and the new compliance schedule may include any of the requirements of Sections 150 and 200 to abate the violation.

300.3 Solid waste disposal areas shall be upgraded in accordance with the compliance schedule.

SECTION 310
Right of Entry and Inspection

310.1 To determine compliance with this Ordinance, all solid waste disposal areas are subject to inspection at any time by the Enforcement Agency. This includes all site inspections made during the preparation, construction, operation, closure, and thirty (30) year post-closure periods. Should entry to a premise for an inspection be refused, the Enforcement Agency may obtain a warrant authorizing premise entry and inspection pursuant to Section 2446 of Act 368 of Public Acts of 1978, being Section 333.2446 of the Michigan Compiled Laws. All changes of ownership or operating company or agency must be reported to the Solid Waste Management Department within ten (10) working days.

310.2 As stated in P. A. 368 of 1978, "The Enforcement Agency is empowered to collect and examine samples as deemed necessary to perform the duties prescribed herein, and to take photographic, video tape or other representation of conditions existent at the solid waste disposal area. No person shall hinder, obstruct, delay, resist or prevent any inspection made, or any sample collected and examined by the Enforcement Agency. Nor shall any person molest, intimidate, harass, or impede a representative of the Enforcement Agency in the lawful discharge of his or her powers and duties. To assure compliance with laws enforced by a local health department, the local health department may inspect, investigate, or authorize an inspection or investigation to be made of, any matter, thing, premise, place, person, record, vehicle, incident, or event. Sections 2241 to 2247 apply to an inspection or investigation made under this section."

310.3 As stated in P. A. 368 of 1978, "Upon a determination that an imminent danger to the health or lives of individuals exists in the area served by the local health department, the local health officer immediately shall inform the individuals affected by the imminent danger and issue an order which shall be delivered to a person authorized to avoid, correct, or remove the imminent danger or be posted at or near the imminent danger."

~~SECTION 320~~
~~Variances~~
Pre-empted by Act 451 of 1994 and MCLA 324.11501 et seq.

SECTION 330
Enforcement

330 Violation Notices

330.1 A person or a municipality who violates this Ordinance, the Saginaw County Solid Waste Management Plan, any license or permit conditions issued by MDNR or EPA or of any contract entered into by such persons or municipality with the County pursuant to the Plan, may be issued a violation notice by the Enforcement Agency. The violator will be given up to fifteen (15) days to correct the violation. The County may grant an extension. A monetary civil penalty shall not result from the issuance of a violation notice.

331 Citations for Minor Violations

331.1 A violation of the Solid Waste Ordinance is a violation of the Solid Waste Management Plan and Public Act 641. A minor violation is any violation, unless classified as a major violation.

331.2 A person or a municipality who violates this Ordinance, the Saginaw County Solid Waste Management Plan, or of any contract entered into by such persons or municipality with the County pursuant to the Plan, may be issued a citation by the Enforcement Agency Director not later than ninety (90) days after discovery of alleged violation.

331.3 The citation shall be written and shall state with particularity the nature of the violation, including reference to the section, subsection, rule, or order alleged to have been violated, the civil penalty established for the violation, and the right to appeal the citation pursuant to Section 332. The citation shall be delivered or sent by certified mail to the alleged violator.

331.4 A violation for which a citation is issued shall be assessed a monetary civil penalty as specified in Part 333 of this Section.

331.5 A continuing violation, greater than twenty-four (24) hours in duration, constitutes a new violation for each day upon which it occurs or continues, for which a citation may be issued.

332 Administrative Hearing

A. Not later than 20 days after receipt of the citation, the alleged violator may petition the Enforcement Agency for an administrative hearing which shall be held within 30 days after the receipt of the petition. After the administrative

hearing, the Enforcement Agency Director may affirm, dismiss, or modify the citation. The decision of the Enforcement Agency Director shall be final.

B. A person aggrieved by a decision of an Enforcement Agency Director under this section may petition the circuit court located for review. The petition shall be filed not later than 60 days following receipt of the final decision.

C. A civil penalty becomes final if a petition for an administrative hearing or review is not received within the time specified in this section. A civil penalty may be recovered in a civil action brought in the county in which the violation occurred or the defendant resides.

333 Monetary Civil Penalties

333.1 Citations which are issued for minor violations involving the same section of this ordinance shall be cumulative within any twelve (12) month period and have the following monetary civil penalty together with any cost of prosecution, including staff costs and attorney fees:

A. First citation up to $ 1,000

B. Second citation up to $ 2,000

C. Third citation up to $ 3,000

334 Major violations

A. A single violation of any of the following subsections of this Ordinance for which a citation has been issued: 140.1, 220.3, 220.8, 230.2, 230.3, 251.2, 251.6, 300.3, 338.3.

B. A fourth citation or more, for an otherwise minor violation involving the same section of this Ordinance within any twelve (12) month period.

C. A material breach of any contract entered into by any person or municipality with the County pursuant to the plan providing that nothing herein shall pre-empt or preclude the operator of any other remedy available under such contract, and all such remedies shall be accumulative.

D. The furnishing of false, forged, fictitious, or intentionally misleading information, in written or verbal form.

334.1 Citations which are issued for major violations involving the same Section of this Ordinance shall be cumulative within any twelve (12) month period and subject to a fine of up to $10,000 per day together with any cost of prosecution.

334.2 The Enforcement Agency shall issue citations for each major violation after considering the following factors as may be relevant, and shall give such weight to each factor, as in the Enforcement Agency's judgment, the particular situation merits.

A. Whether the violator has committed any prior violation, regardless of whether any administrative, civil or criminal proceedings has commenced therefore.

B. History of the violator in taking all feasible procedures and steps, necessary or appropriate, to correct any violation.

C. Gravity and magnitude of the violation.

D. Whether the violation was repeated or continuous.

E. Whether the cause of the violation was an unavoidable accident, negligence, or any intentional act of the violator.

F. The opportunity and degree of difficulty to correct the violation.

334.3 Payment of the monetary civil penalty shall be made within fifteen (15) working days of the date the imposed penalty becomes final.

335 Appearance Tickets

335.1 A person believed to be in violation of this ordinance, the Saginaw County Solid Waste Management Plan, or any contract entered into by such persons or municipality with the County pursuant to the Plan, may be issued an appearance ticket under Section 2463 of Act 368 of Public Acts of 1978, being Section 333.2463 or the Michigan Compiled Laws, commanding such a person to appear in court.

335.2 Failure to appear in court on the date for appearance will subject the person to arrest upon issuance of a complaint and warrant on recommendation of the County Prosecutor's Office.

335.3 Persons convicted of a violation of this Ordinance based upon an appearance ticket shall be guilty of a criminal misdemeanor and subject to a fine, or imprisonment, or both, as provided in Section 2441 (2) of Act 368 of the Public Acts of 1978, being Section 333.2441 (2) of the Michigan Complied Laws.

335.4 The Enforcement Agency may issue appearance tickets without prior or subsequent issuance of a citation, violation notice, or order, based on visual inspection or observation of the event.

336 Additional Civil Fines and Penalties

336.1 In addition to any civil fine or penalty imposed by enforcement of Sections 332 through 333 of this Ordinance, the County pursuant to the authority of Section 33 of P.A. 641 of 1978, as amended, may bring an action for further appropriate relief and in addition to any other relief provided by law or this ordinance, request the court to impose a civil fine of not more than $10,000.00 for each day of any violation of this ordinance.

337 Criminal Complaints and Warrants

337.1 The Solid Waste Coordinator or the Enforcement Agency may request from the County Prosecutor's Office recommendation for the issuance of criminal misdemeanor complaint and warrant for the arrest and prosecution of any person or officer or employee of a municipality believed to have violated this Ordinance, the Saginaw County Solid Waste Management Plan, or of any contract entered into by such persons or municipality with the County pursuant to the Plan.

337.2 Persons convicted of violation of this ordinance or the Saginaw County Solid Waste Management Plan based upon a criminal complaint will be subject to a fine or imprisonment or both as provided in Section 36 of Act 641 of the Michigan Compiled Laws of 1978.

337.3 The Enforcement Agency may make requests for the issuance of a criminal complaint and warrant for violation of this Ordinance or the Saginaw County Solid Waste Management Plan without prior or subsequent issuance of a citation, violation notice, appearance ticket or order.

338 Orders

338.1 Upon a determination by the Enforcement Agency Director that an imminent danger to health or lives of individuals exists, caused by a condition of improper solid waste management, the Enforcement Agency Director shall issue an order to the responsible party requiring immediate action to avoid, correct, or remove the imminent danger or take other action as provided by Section 2451 of Act 368 of the Public Acts of 1978, Section 333.2451 of the Michigan Compiled Laws.

338.2 Pursuant to Section 2455 of Act 368 of Public Acts of 1978, being Section 333.2455 of the Michigan Compiled Laws, the Enforcement Agency may issue an order to avoid, correct or remove, at the owner's expense, a building or condition which violates this ordinance or which the Enforcement Agency Director reasonably believes to be a nuisance, unsanitary condition or cause of illness caused by a condition of improper solid waste management.

338.3 The person or municipality shall comply with an order issued under Part 337 of this section within the time specified.

339 Agreements, Contracts, or Arrangements

339.1 Pursuant to Section 2435© of Act 368 of Public Acts of 1978, being Section 333.2435© of the Michigan Compiled Laws, the Enforcement Agency may enter into agreements, contracts or arrangements with a governmental entity or persons necessary or appropriate to assist the Enforcement Agency in carrying out its duties and functions unless otherwise prohibited by law.

340 Civil Actions

340.1 Pursuant to Sections 2462(3) and 2465(1) of Act 368 of Public Acts 1978, being Section 333.2462(3) and Section 333.2465(1) of the Michigan Compiled Laws and Act 641, the Enforcement Agency and/or Solid Waste Coordinator on behalf of the county, may institute appropriate civil court actions to:

A. Enforce and enjoin violation of this ordinance including citations, violation notices, and orders issued under this Ordinance and agreements, contracts, or arrangements entered into under this Ordinance.

B. Restrain, abate or destroy conditions causing pollution, destruction, or impairment of the environment.

C. Recover unpaid monetary civil penalties.

341 Suspension of Enforcement

341.1 The Enforcement Agency Director may grant suspension of enforcement in writing, of specific sections, parts, or subsections of this Ordinance to the owner or operator of a solid waste disposal area for good cause shown.

341.2 The owner or operator of a solid waste disposal area operating in violation of this Ordinance may request suspension of enforcement. Such a request shall be in writing and include a control program which is designated to abate the violation. Such a proposed control program shall include as a minimum the following items:

A. Methodology and/or type of control equipment to be used.

B. Demonstration by the owner or operator that compliance with this Ordinance shall be achieved upon completion of the control program.

C. Temporary interim control measures designed to minimize the conditions which indicated that the operation is in violation of this Ordinance.

D. Successive dates by which each of the aforementioned measures will be in place.

341.3 The Enforcement Agency Director in approving or disapproving the request for suspension of enforcement may consider but not necessarily be limited to the following:

A. History of action taken to minimize violations of this Ordinance.

B. The effect the violation has on the environment and the public health, safety, and welfare.

C. Timeliness of the completion of the control program.

341.4 The Enforcement Agency Director may approve a suspension of enforcement with stipulated conditions.

341.5 If the owner or operator fails to comply with the approved control program, the Enforcement Agency Director shall revoke a granted suspension of enforcement upon written notice. No further suspension of enforcement shall be granted for the specified violation.

341.6 During the time a suspension of enforcement is in effect, the Enforcement Agency will not initiate any enforcement action under those sections, parts, or subsections of this Ordinance specifically suspended.

SECTION 410
Amendments

410 Any amendments to this ordinance will be made after Public notice and public hearing as provided by law.

SECTION 420
Interpretation Clauses

420 Other Laws and Regulations

~~420.1 This Ordinance provides minimum standards, supplemental to the statutes of the State of Michigan and the administrative rules duly promulgated thereunder. Where any provision of this Ordinance and a provision of any Federal or State statute or rule both apply, the more restrictive of any or all codes, statutes, ordinances, or rules shall prevail.~~ **Pre-empted by Act 451 of 1994 and MCLA 324.11501 et seq.**

421 Interpretation

421.1 Provisions of this Ordinance shall be construed liberally so as to best preserve the public health and safety. The word "shall" is mandatory, not merely directory.

422 Severability

422.1 If any part of this Ordinance is declared illegal or unconstitutional by a court of competent jurisdiction, the decision shall not effect any portion of the Ordinance which remains and the remainder shall be in full force and effect.

423 Savings Clause

423.1 Regulations or ordinances adopted by the County Commission which are in effect on the date this ordinance becomes effective continue to the extent they do not conflict with this ordinance. If a conflict exists with existing ordinance, this ordinance prevails.

SECTION 430
Effective Date

430.1 This Ordinance will become effective 90 days after the date the Director of the Michigan Department of Natural Resources approves the Saginaw County Solid Waste Management Plan.

ATTACHMENT A

Surcharge at Landfills:

.674 cents per cubic yard as measured at the gate of the landfill.

LICENSING FEES FOR SOLID WASTE HAULERS AND CONTAINERS

License fees:

Sticker Fee - **$5.00 per vehicle**
$5.00 per container

Annual Amount of Waste (Yards)	Fee
0 - 100	$ 0.00
101 - 1,000	$ 250.00
1,001 - 5,000	$ 500.00
5,001 - 10,000	$ 750.00
>10,000	$1,000.00

SAGINAW COUNTY
ORDINANCE #110
REGULATING THE CONTROL OF DOGS WITHIN THE COUNTY OF SAGINAW AND ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF

Adopted May 17, 1994
Amended November 22, 1994 (3.2)
Amended September 19, 1995 (1.2)
Amended October 14, 1997 (1.1)
Amended December 14, 2010 (3.1)

WHEREAS, Act No. 339, Michigan Public Acts of 1919, as Amended, provides for the licensing of dogs and regulates the keeping of dogs, and

WHEREAS, Act No. 339 provides that the Board of County Commissioners may establish an animal control agency, which agency shall then have jurisdiction to enforce the licensing and regulation of dogs within the County, and

WHEREAS, the County of Saginaw has established an animal control agency within the County of Saginaw, and

WHEREAS, the County of Saginaw deems it essential to the health and welfare of all the residents of Saginaw County that dogs within said County be properly licenses and regulated.

NOW, THEREFORE, the County of Saginaw ordains:

ARTICLE ONE
Definitions

For the purposes of this Ordinance, the following terms shall have the following meanings respectively designated for each:

a. "Abandon." Failure to provide proper or adequate food, water, shelter or medical care.

b. "Animal." Unless otherwise indicated, the use of this term includes all birds, fish, mammals and reptiles.

c. "Animal control officer." This term means any person employed by the County for the purpose of enforcing this ordinance or state statutes pertaining to dogs as well as other persons and deputies employed by the County to act on behalf of the animal control division.

d. "Board of Commissioner." This term means the Saginaw County Board of Commissioners.

e. "County" shall mean the County of Saginaw.

f. "Cruelty." This term shall mean willfully or negligently; torturing or seriously overworking an animal; failing to provide necessary food, water, care or shelter for an animal; failing to seek medical advice when an animal is in obvious pain or distress; allowing an ill, diseased, maimed, aged, or injured animal to suffer unnecessary pain; abandoning an animal in his/her custody; transporting or confining an animal in a cruel manner; killing, injuring or administering poison to an animal without legal authority; or causing a dog to fight with another dog.

g. "Dog." Unless otherwise indicated, the use of this term includes all species and breeds of domesticated dogs. This term does not include wolf-hybrids or exotic animals.

h. "Dog Owner." The term "dog owner" when applied to the proprietorship of a dog means every person having a right of property in the dog, an authorized agency of the owner, and every person who keeps or harbors the dog or has it in that person's care, custody or control, and every person who permits the dog to remain on the premises occupied by that person.

i. "Hunting." This terms means to allow a dog to range freely within sight or sound of its owner while in the course of hunting legal game or an unprotected animal in designated hunting areas.

j. "Kennel." The term "kennel" shall mean any single location, where upon three or more dogs are confined and kept for selling, boarding, breeding, leasing, sporting or training purposes, except a duly licensed pet shop. The maintenance of a kennel must comply with the zoning regulations of the municipality in which the kennel is located.

k. "Person." The word "person" shall include state and local officers or employees, individuals, corporations, co- partnerships and associations.

l. "Police officer, peace officer or law enforcement officer." This term means any person employed or elected by the people of the State of Michigan, or by any city, village, county or township whose duty it is to preserve peace or to make arrests or to enforce the law, and includes game, fish, and forest fire wardens and members of the state police and conservation officers.

m. "Property owner." The term "property owner" as pertaining to the premises shall mean both the owner of title of record and those occupying or in possession of any property or premises.

n. "Rabies suspect dog." This term shall mean any dog which has bitten a human or another dog, or any dog which has been in contact with or been bitten by a rabid animal, or any dog which shows symptoms suggestive of rabies.

o. "Treasurer" shall mean the Saginaw County Treasurer.

p. "Volunteer" shall mean any person or persons offering services to Saginaw County of his or her free will.

ARTICLE TWO
Licensing

Section 1. It shall be unlawful for any person to own a dog four months of age or older unless the dog has been licensed under the laws of the state of Michigan.

Section 2. It shall be unlawful for any person to own a dog four months of age or older that does not wear a collar with a tag approved under the laws of the state of Michigan, except when such is permitted under the laws of the state of Michigan.

Section 3. On or before March 1st of each year, the owner of any dog four months of age or older, except as provided in Section 5 of this Article, shall apply to the county, township or city treasurer or an authorized agent of the treasurer, where the owner resides, for a license for each dog owned by that person. The application shall state the breed, sex, age, color and markings of such dog. Accompanying the application shall be a proof of vaccination signed by an accredited veterinarian. Dogs attaining the age of four months after March 1st shall have seven days within which to obtain a license.

Section 4. No dog shall be exempt from the rabies vaccine requirement unless the owner provides a statement from an accredited veterinarian stating that such a vaccination would be detrimental to the health of the dog. This statement must be approved by the Prosecuting Attorney of Saginaw County before a license may be issued.

Section 5. The license fees for all dogs under this ordinance shall be as follows:

a. For all unaltered dogs four months of age or older as of March 1st of each year, the license fee shall be $25.00 if the license is obtained before March 1st of each year.

b. For all altered dogs, four months of age or older before March 1st of each year, the license fee shall be $12.00 if obtained before March 1st of each year.

c. For all altered dogs attaining the age of four months after March 1st of each year, the license fee shall be $12.00 if the license is obtained as provided in Section 4 of this Article.

d. For all altered dogs four months of age or older before March 1st of each year, the license fee for senior citizens shall be $5.00.

e. For all dogs not licensed within the time period herein established, the license shall be considered delinquent and the fee for this delinquency shall be double the fees as established in paragraphs a, b, c, and d. Specifically, dogs over four months of age after March 1st of each year shall be subject to the following fees: Owners of altered dogs shall be $24.00, senior citizens with altered dogs shall be $10.00, owners of unaltered dogs shall be $50.00.

f. License fees for leader dogs, hearing dogs, service dogs or other dogs specifically exempted by statute are hereby waived.

g. The dog license fees may be changed from time to time, prior to November 1st of each year by resolution or motion of the Board of Commissioners.

h. Current dog licenses from other counties within the State of Michigan and from other states shall be honored by Saginaw County until the following March 1st.

Section 6. No license or license tag issued for one dog shall be transferable to another dog.

Section 7. If a license tag is lost, it shall be replaced without cost by the Treasurer upon application by the owner, with a production of the license and a sworn statement regarding the loss of the license tag. An administrative fee of $5.00 shall be charged for the processing of the application for replacement of a lost license tag.

Section 8. Any person who owns, keeps or operates a kennel, in lieu of purchasing individual licenses, may apply on or before June 1st of each and every year to the Animal Control Division for a kennel license, entitling the person to operate a kennel under the laws of the state of Michigan.

Section 9. Kennel license fees.

a. The fees for a kennel license shall be as follows:

1. Ten dollars for three to ten dogs.

2. Twenty-five dollars for more than ten dogs.

b. A fee of double the original license fee shall be charged for kennel license(s) applied for after June.

c. The fee for inspection of kennels shall be $50.00. This fee is subject to change from time to time on or before November 1st of each year by resolution or motion of the Board of Commissioners. Failure to obtain a kennel license shall be punishable as set forth in Article 9, Penalties Section of this Ordinance.

ARTICLE THREE
Bite Confinement

Section 1. Any dog that bites a person or another animal shall be securely confined by the owner in an appropriate building or enclosure for a minimum of ten days following the biting of such person or animal. In the event the owner cannot securely confine the dog for the required period of time, the Animal Control Officer or an authorized representative may take possession and custody of said dog and confine it to the animal shelter for the ten day period. Upon satisfactory evidence that the dog is not suffering from rabies, the Animal Control Officer

may release the dog. The confinement of the dog shall be at the expense of the owner for boarding at a rate of $10.00 per day, plus a licensing fee and rabies fee if not current. This fee is subject to change from time to time on or before November 1st of each year by resolution or motion of the Board of Commissioners.

Section 2. Any dog, whose owner cannot be ascertained, who bites a person or another animal shall be confined at the animal shelter for a period of ten days. Upon recommendation of the victim's physician and/or a veterinarian, the dog shall be euthanized, with a sample specimen being sent to the appropriate agency for testing as determined by the Animal Control Director.

Section 3. Any person violating, failing or refusing to comply with the confinement procedures shall be charged with a misdemeanor and upon conviction shall be assessed a fine of up to $500.00.

ARTICLE FOUR
Animal Shelter and Impoundment

Section 1. All dogs running at large shall be seized by the Animal Control Officer or the officer's authorized agents and impounded for four days for unidentifiable dogs or seven days for identifiable dogs.

Section 2. If the owner of the dog is known to the Animal Control Officer or the officer's authorized agents, they may return the dog to its owner and may at their discretion issue an appearance ticket to the owner requiring the person's appearance in court to explain the violation.

Section 3. The Animal Control Officer or the officer's authorized agents shall utilize every reasonable effort to locate the owner of the impounded dog. The owner of the dog may claim the dog from impoundment by executing a statement of ownership and furnishing proof of a license, as required by this Ordinance and state law, and paying the required fees.

ARTICLE FIVE
Killing and Ceasing of Dogs

Section 1. Any person may kill any dog which that person sees in the act of pursuing, attacking or about to attack, or wounding any person, livestock or poultry, and there shall be no civil liability on such person for damages or otherwise, for such killing. In no event shall the provisions of this Section exonerate a person from compliance with the criminal laws of this state, including, but not limited to, the safe discharge of a firearm.

Section 2. It shall be lawful for any person to seize any dog running at large in violation of this Ordinance and to turn the dog over to the Animal Control Officer, or that officer's authorized agents.

ARTICLE SIX
Violations

Section 1. It shall be unlawful for:

a. Any dog to run at large or go beyond the premises of the owner's property without a leash. This does not apply to working dogs such as leader dogs, guard dogs, farm dogs, hunting dogs, and other such dogs, when accompanied by their owner or his or her authorized agent, and actively engaged in activities for which such dogs are trained.

b. Any person to permit a female dog to go beyond the premises of that person when the dog is in heat, unless the female dog is properly leashed.

c. Any person or dog owner having care, custody or control of any dog to neglect that dog by failing to provide adequate food, water, shelter and medical care.

d. Any person or dog owner who has care, custody or control of any dog to torture, torment, cruelly beat, mutilate or cruelly kill the dog.

e. Any person or dog owner who has care, custody or control of any dog to allow that dog to fight with another animal.

Section 2. Any violation of this Ordinance shall result in the Animal Control Officer or the officer's authorized agents issuing an appearance ticket or citation to the owner, requiring an appearing in court to answer the charges. The Animal Control Officer or the officer's authorized agents may sign a complaint before the court to procure an arrest warrant to bring the person to court to answer the charges. The Animal Control Officer or the officer's authorized agents shall not make the actual arrest. The court in its discretion, upon a finding of guilt, may assess penalties in accordance with the penal provisions of this Ordinance.

Section 3. Court costs, as in civil cases, shall be assessed against the owner of a dog upon the finding of guilt.

Section 4. Violation of this article of the ordinance shall not appear on a person's criminal record.

ARTICLE SEVEN
Unlicensed Dogs

Section 1. All unlicensed dogs four months of age or older after March 1st of each year shall be deemed a nuisance and upon locating each unlicensed dog, an appearance ticket shall be issued to the owner of that dog, or any person having care, custody or control of that dog or the owner of the property upon which the dog is located, requiring an appearance in court to explain the violation.

Section 2. If the Animal Control Officer or the officer's authorized agents view a dog or come in contact with a dog, that person is hereby given the authority to determine whether the dog is wearing the appropriate collar and license tag as provided in Article Two of this Ordinance. If the dog is not wearing the appropriate collar and license tag, the Animal Control Officer or the officer's authorized agents may, in their discretion, issue an appearance ticket to the owner of the dog to appear in court to explain the violation.

Section 3. Any person failing to obtain a dog license shall be charged with a misdemeanor and upon conviction of the violation shall be punished for a first offense by a fine of $25.00 plus licensing of the dog; for a second offense by a fine of $75.00 plus licensing of the dog; and for a third offense $150.00 plus licensing of the dog.

ARTICLE EIGHT
Cruelty to Dogs

Whoever overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates, abandons, or cruelly kills, or causes or procures to be overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated, or cruelly killed, any dog, and whoever having charge or custody of that dog inflicts unnecessary cruelty upon the same, or willfully fails to provide the same with proper food, drink, shelter, or protection from the weather, is guilty of a misdemeanor and shall be imprisoned for not more than three months, or fined not more than $500.00, or by both.

ARTICLE NINE
Penalties

Any person violating or failing or refusing to comply with the provisions of this Ordinance, except the cruelty, confinement and license provisions previously noted, shall be charged with a misdemeanor and, upon conviction of any such violation, such person shall be punished by a fine for a first time offense of $50.00-$100.00; for a second offense within one year from the date of the first offense, with a fine of $150.00-$300.00; for a third offense within one year from the date of the second offense, with a fine of $350.00-$500.00. There shall not be any jail sentence in lieu of the fines, or in addition to the fines. If the Court finds any person indigent, then community service work may be imposed in lieu of fines.

ARTICLE TEN
Treasurer's Records and Duties

Section 1. After March 31st of each year, the Treasurer shall compare the current listing of licensed dogs with the list from the previous year, to determine all unlicensed dogs. The Treasurer shall then prepare a list of unlicensed dogs, which shall be forwarded to the Animal Control Officer or the officer's authorized agents.

Section 2. The Treasurer shall also maintain a list of all of the dog licenses and kennel licenses which are issued each year. The records shall also contain the name and address of the person to whom each license is issued. The Treasurer shall also keep an accurate record of all license and inspection fees collected by the county, city or township.

ARTICLE ELEVEN
Restoration of Animals

The sale or donation for research or any other purpose by any County employee or volunteer of any live animal, under the control of the Animal Control Department is strictly prohibited, except for adoption of the animal or donations for guide dogs for the visually and/or hearing impaired, or service dog purposes, or other purposes specifically approved by the Board of Commissioners. Any violation of this section shall be punishable as defined in Article Nine, Penalties in this Ordinance.

ARTICLE TWELVE
Repeal

All ordinances or parts of this ordinance inconsistent herewith are repealed. Saginaw County Ordinance No. 104 is hereby repealed.

ARTICLE THIRTEEN
Construction

If any section, paragraph, clause or phrase of this Ordinance shall be held invalid, the same shall not affect any other part of the Ordinance.

ARTICLE FOURTEEN
Fees

All fees established may be subject to change with approval of the Board of Commissioners in accordance with the fiscal budget year or as necessary.

SAGINAW COUNTY
ORDINANCE #111
CURFEW FOR MINORS AND PARENTAL RESPONSIBILITY

Adopted 5/17/94 - 1.2

The County of Saginaw ordains:

SECTION 101
Curfew

101.1 Public streets, highways, buildings, etc.

No minor under the age of 17 years shall loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

101.2 Exceptions.

The provisions of this ordinance do not apply to:

a. A minor accompanied by his or her parent, legal guardian or other adult person having the care or custody of the minor; or

b. A minor upon an emergency errand or legitimate business, such as school or religious activities, directed by his or her parent, legal guardian or other adult person having the care or custody of the minor.

101.3 Violation.

Any minor violating the provisions of this paragraph shall be deemed to be a delinquent child and may be complained against in the Probate Court for the County of Saginaw as a delinquent child.

101.4 Local Regulation.

Nothing in this ordinance shall be deemed to limit any powers now or hereafter possessed by law by any township, charter township, city or village to regulate by ordinance a curfew of minors.

SECTION 201
Parental Responsibilities

201.1 Definitions.

For the purpose of this ordinance, the following definitions apply:

a. Delinquent Acts. Those acts which violate the laws of the United States, the laws of the State of Michigan or ordinance of any municipality in the County of Saginaw; those acts which cause or would tend to cause the minor to come under the jurisdiction of the Juvenile Division of the Probate Court as defined by MCLA 712A.2; or those acts by which the minor intentionally causes physical harm to another or deliberately creates an unreasonable risk of physical harm to himself or herself or to others. Delinquent acts do not include traffic violations.

b. Drugs. Any controlled substance as defined now or hereafter by the Public Health Code for the State of Michigan. Currently, such substances are defined in PART 72 of the Health Code being Section 333.7201 et seq.! of the Michigan Compiled laws.

c. Minor. Any unemancipated person under 17 years of age.

d. Parent. A mother, father or legal guardian of a minor who has the responsibility for the health, welfare, care, maintenance and supervision of the minor at the time the delinquent act is alleged to have been committed by the minor.

201.2 Parental Responsibility.

a. The parent of any minor has a continuous responsibility to exercise reasonable control and supervision over the minor to prevent the minor from committing or participating in the commission of any delinquent act.

b. The parental responsibility to exercise reasonable control includes the following duties, set forth for the purpose of illustration and not limitation:

i. To keep drugs out of the home and out of the possession of the minor, except those drugs duly prescribed by a licensed physician or other authorized medical professional;

ii. To keep firearms out of the possession of the minor except those used for hunting in accordance with local ordinance and state law and with the knowledge and supervision of a parent;

iii. To know the Curfew Ordinance of the County of Saginaw and to require the minor to observe the Curfew Ordinance;

iv. To require the minor to attend regular school sessions and to prevent the minor from being absent from school without parental or school permission;

v. To prevent the minor from maliciously or willfully damaging, defacing or destroying real or personal property belonging to others, including that belonging to the County of Saginaw; and

vi. To prevent the minor from engaging in theft of property or keeping in his or her possession property known to be stolen.

201.3 Notification of Parent; Record of Notification.

a. Whenever a minor is arrested or detained by the Saginaw County Sheriff Department or any law enforcement officer or agency deputized by the Saginaw County Sheriff for the commission of any delinquent act, the parent of the minor shall be notified as soon as reasonably possible by the arresting agency of the minor's arrest or detention and the reason therefor, and the parent's responsibility under this Ordinance.

b. A record of such notification shall be kept by the arresting agency.

201.4 Violation and Penalty

a. If the minor of a parent residing within the County of Saginaw commits a delinquent act, the parent shall be guilty of a violation of this Ordinance if:

i. It is proven that any act, word or non-exercise of parental responsibility by the parent encouraged, caused or allowed to occur the commission of the delinquent act by the minor; or

ii. It is proven that the parent knew or reasonably should have known that the minor was likely to commit a delinquent act, but failed to take timely and appropriate action to prevent the commission of the delinquent act by the minor. If at any time within 45 days following the giving of notice as provided in Section 201.3 above, the minor to whom said notice related or applied commits a delinquent act as defined in this Ordinance, it shall be rebuttably presumed that the minor committed the delinquent act with the knowledge, allowance, permission or sufferance of the parent.

iii. Any person in violation of any subsection of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed $500 or 90 days in jail, or both fine and jail in the discretion of the Court.

SAGINAW COUNTY
ORDINANCE #112
PARKING OF MOTOR VEHICLES

(County owned Parking Lots)

PREAMBLE

An Ordinance to regulate the parking of all motor vehicles on county-owned parking lots as designated in this Ordinance; to establish rules and regulations governing the use of the parking lots; to provide for the instruction and maintenance of parking signs, parking controls, parking gates, painted lines, marks, areas, and zones necessary to distinguish parking facilities; to authorize the establishment of parking facilities for the use and convenience of county employees; to provide for the creation of time-zone spaces where signs, devices or controls may be installed in the parking lots; to provide for enforcement of this Ordinance and its rules and regulations; and to provide for penalties.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE COUNTY OF SAGINAW:

SECTION 1
ENABLING CLAUSE

1.1 The County of Saginaw adopts this Ordinance pursuant to the provisions of Act 58 of 1945; MCL 46.201.

1.2 The purpose of this Ordinance is to protect and promote the general health, safety, welfare, public convenience and good government of the County of Saginaw by establishing a Saginaw County Parking Ordinance for county-owned parking lots.

SECTION 2
DEFINITIONS

2.1 The following words and phrases when used in this Ordinance shall have the meaning ascribed to them in this section unless the context clearly indicates a different meaning.

2.2 Words and phrases.

Board. The Saginaw County Board of Commissioners.

Civil Infraction. Civil infraction means an act or omission prohibited by law which is not a crime as defined in Section 5 of Act No. 328 of the Public Acts of 1931, as amended, MCL 750.5, and for which civil sanctions may be ordered.

Civil Infraction Determination. Civil infraction determination means a determination that a person is responsible for a civil infraction by one of the following:

(a) An admission of responsibility for the civil infraction.

(b) An admission of responsibility for the civil infraction, "with explanation".

(c) A preponderance of the evidence at an informal hearing or formal hearing on the question under MCL 257.746 or 257.747.

(d) A default judgment, for failing to appear as directed by a citation or other notice, at a scheduled appearance under MCL 257.745(3)(b) or (4), at a scheduled informal hearing under MCL 257.746, or at a scheduled formal hearing under MCL 257.747.

Employee. A person in the employ of the County of Saginaw or any agency of the County of Saginaw.

Handicapped Person. Any person who possesses a material incapacity for ambulation due to some sickness or disability.

Legal Holiday. New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day as may be so designated by the Board.

Loading Zone. Any space or area of a street, driveway or passageway which has been set aside for the exclusive use of loading or unloading persons or freight.

Operator. Every person who drives or has actual control of a vehicle.

Owner. Any person in whose name a vehicle is registered in conformance with statutory provisions relating to such registrations.

Park or Parking. To allow a vehicle to stand, whether occupied or not, except when said standing is in the obeyance of a traffic signal or regulation.

Person. Every natural person, firm, co-partnership, association, or corporation and their respective agents.

Stand or Standing. To maintain the position of a vehicle after a complete cessation of its movement.

Vehicle. Any device in, upon or by which any person or freight may be transported upon a street, highway, or passageway except those that operate exclusively upon stationary rails or tracks.

Authorized Emergency Vehicle. Any vehicle of the fire department, police vehicles, ambulance, maintenance, or emergency vehicles of governmental departments.

SECTION 3
ORDER TO OBEY

3.1 Duty of General Public. This Ordinance is adopted in the interest of public safety and convenience and designed to promote the general peace, health, safety, welfare and good government of the County of Saginaw. Every person, firm, or corporation, shall comply with, observe and obey, when applicable to that person or it, all the provisions of this Ordinance, requirements, regulations and the orders of the Board of Commissioners of Saginaw County and the police officers designated to enforce the Ordinance.

SECTION 4
ENFORCEMENT OF ORDINANCE

4.1 Members of the Saginaw County Sheriff's Department, or special deputies, appointed by the County of Saginaw Sheriff's Department, are hereby authorized to enforce this Ordinance.

SECTION 5
DESIGNATION OF PARKING AREAS

5.1 Creation of Parking. The Board may from time to time designate areas on County-owned land to be set aside for the parking or standing of vehicles as provided by this Ordinance.

5.2 Posting of Signs. The Board or any other person designated by the Board, shall post or cause to be posted, suitable signs or markings for all areas where parking is limited or prohibited, indicating such limitations or prohibitions, as provided by this Ordinance.

5.3 Employee Parking. The Board may designate a parking area or areas on County-owned lands to be set aside, exclusive from the general public, for the use of County employees and establish rules and regulations determining eligibility for parking therein and governing the use of these parking area or areas.

SECTION 6
PARKING RULES AND REGULATIONS

6.1 Permission to Park. No person shall park any vehicle on any portion of the land owned by the County of Saginaw restricted by the Board for County purposes, and parking shall be permitted only in the places and areas designated from time to time by the Board, and in accordance with any regulations the Board may see fit to establish by this Ordinance or hereafter. The Board may establish monetary fees to be charged for the privilege of parking on any County-owned land.

6.2 Obstructing Traffic. No person shall park any motor vehicle in designated areas and spaces for parking in such a position as to deny ingress or egress to other drivers of vehicles to or from designated areas or spaces, or to exits therefrom, except that a driver may stop, or stand a vehicle temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic signs or the signals of a police officer.

6.3 Improper Parking. No person shall park, stop or stand a motor vehicle in an area or space prohibited for parking by limitations, restrictions, or prohibitions as designated by markings of a sign, signals, painted lines, parking gates and devices or when parking, fail to park such vehicle wholly within an area or space as designated by such signs, signals, painted lines, controls and devices.

6.4 Gate Parking Zone. When parking gates are erected at the entrance and/or exit of any given land set aside by the Board for parking, such space shall be a gate regulated parking zone and no person shall enter or exit such lots without properly operating such gates, in said area or through the use of some designated pass or permit.

6.5 Parking for Handicapped. The Board may from time to time designate specific spaces in a parking lot owned by the County as "Parking for Handicapped Only" or some similar wording. The use of such space shall be governed by state statute and not by this Ordinance.

6.6 Hours of Enforcement. Parking shall be regulated between the hours of 8:00 a.m. and 5:00 p.m., daily on the County-owned lands designated by the Board to be used for parking lots and parking purposes, excluding authorized emergency vehicles.

6.7 Time Limit. No person shall park a vehicle on any County-owned lands for a period of time longer than 24 hours, excluding authorized emergency vehicles, or areas the Board may see fit to designate for longer periods of parking.

6.8 Owner Presumed Violator. In the case of any alleged violation of this Ordinance involving a vehicle, the owner, the operator, or the person in charge may be proceeded against in a court of competent jurisdiction within Saginaw County. The registered owner of the vehicle at the time of the violation shall be presumed to be the violator, as well as the actual operator or person in charge.

SECTION 7
RATES AND CHARGES

7.1 The number and location of the County-owned or operated off street parking lots, ramps and areas for which rates and charges for parking are established herein shall be as described and designated on the Parking Lot Map in the County Controller's Office.

7.2 Rates for parking motor vehicles in County-owned or County operated off street parking lots, ramps and areas shall be as follows:

LOT STREET	HOURLY PARKING RATE	MAXIMUM PERIOD	DESIGNATED USERS
Cass Street	$0.50	9 Hours	general public, designated law enforcement vehicles, appointed
Court & N. Fayette Street	$0.50	9 Hours	general public
Michigan Avenue	-	-	elected, appointed, handicapped
Harrison Street	-	-	employees & jurors
Harrison & Hancock	-	-	employees
Harrison & Adams			elected, appointed

SECTION 8
PENALTIES

8.1 Penalties for Violations. Violations of this Ordinance shall be processed in the same manner as a civil infraction and civil infraction determination under MCL 257.1 to 257.923. Any violation of the provisions of this Ordinance shall be punishable by a fine of twenty dollars ($20.00). A court may order the payment of costs in addition to any authorized penalties in accordance with the Michigan Vehicle Code, MCL 257.907.

8.2 Impoundment of Vehicles. Improper parking as defined in Section 6 is hereby declared a nuisance which may be abated by any police officer, by impounding the vehicle either by placing a tag or ticket thereon which shall plainly indicate the nature of the violation or by removing or conveying the vehicle to a vehicle pound which may be designated by the Board. After the vehicle is impounded by the means of a tag or ticket, a copy of such shall be transmitted to the Sheriff's Department where record shall be made showing the kind of vehicle and the nature of the violation. Before the owner or operator may remove any vehicle which has been impounded in the vehicle pound, the owner or operator shall pay to the Sheriff's Department all penalties for violations of the provisions of this Ordinance, and all towing and impounding fees as designated by this Ordinance or hereafter by the Board which have accrued against such vehicle.

8.3 Receipt for Monies from Impoundment by Seizure. It shall be the duty of the Sheriff's Department to receive any monies in payment of a violation involving impoundment by seizure and to issue a receipt therefore in duplicate, one of which shall be handed to the person paying same, the other to be filed in the Sheriff's Department, stating the make of such vehicle, the manufacturer's number of said vehicle. It shall then be the duty of said Sheriff's Department to pay the monies to the appropriate governmental units or units according to the statutory guidelines.

8.4 Failure to Pay Fines. Failure of a person to pay three (3) fines shall result in the impounding of vehicle by attachment of the Denver Boot to the vehicle. The owner or operator of the vehicle may have the same removed by paying the fines and a $40.00 processing fee.

SECTION 9
GENERAL PROVISION

9.1 Severability. If any part or parts of this Ordinance are for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board does hereby declare that it would have passed this Ordinance irrespective of the fact that any one part or parts to be declared invalid or unconstitutional.

9.2 Words and Phrases. Words and phrases used in the present tense include the future; words and phrases in the masculine gender include the feminine; the singular number includes the plural and the plural includes the singular.

SECTION 10
LIMITATION OF LIABILITY

10.1 Liability. The use of any County-owned lands for parking, whether by general public or County employees, is deemed a privilege and a courtesy by the Board, and therefore, the Board does not assume any liability for injuries or damages to persons or property while upon or using the established parking areas.

SECTION 11
PRIOR ORDINANCES

11.1 All county ordinances and resolutions or a part thereof, insofar as the same may be in conflict therewith, are hereby repealed.

SECTION 12
EFFECTIVE DATE

12.1 This Ordinance shall take effect 60 days after notice of the adoption is published in a newspaper of general circulation in the County of Saginaw.

March 14, 1995 - Courthouse Complex Parking Plan adopted
June 27, 1995 - Parking Ordinance #112 approved
August 15, 1995 - Ordinance amended
August 15, 1995 - Parking Program Policies and Procedures adopted
June 25, 1996 - Ordinance amended
November 23, 1999 - Parking Policy & Procedures for Courthouse Complex #432 adopted
September 23, 2008 - Ordinance amended; Policy deleted

SAGINAW COUNTY
ORDINANCE #113
HOUSE ADDRESSING ORDINANCE

Adopted 2/25/97
Amended 11/15/05
Effective 2/14/06

PREAMBLE

An ordinance to provide for a uniform property numbering system, within unincorporated portions of Saginaw County, along with both public and private streets and roadways in order to facilitate adequate public safety and emergency response services; to establish rules and regulations for the assignment of addresses on residential, commercial, and industrial structures to provide for enforcement of this ordinance; to establish rules and regulations for the display of addresses on residential, commercial and industrial structures to provide for enforcement of this ordinance; and penalties for its violation.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE COUNTY OF SAGINAW:

SECTION I
ENABLING CLAUSE

1.1 The County of Saginaw adopts this House Numbering Ordinance pursuant to the provisions of Act 156 of 1851, as amended; MCLA 46.11(m)

1.2 The purpose of this ordinance is to establish a County-wide system of assigning addresses to buildings to facilitate the locating of buildings in order for law enforcement, fire, medical and other emergency response agencies and services, utility companies, postal and delivery services, County services to more rapidly and efficiently identify and locate property in Saginaw County.

SECTION II
DEFINITIONS

2.1 The following words and phrases when used in this ordinance shall have the meaning ascribed to them in this section unless the context clearly indicates a different meaning.

2.2 Words and phrases.

a. Board. The Saginaw County Board of Commissioners.

b. Civil Infraction. Civil infraction means an act or omission prohibited by law which is not a crime as defined in Section 5 of Act No. 328 of the Public Acts of 1931, as amended, MCLA 750.5, and for which civil sanctions may be ordered.

c. Civil Infraction Determination. Civil infraction determination means a determination that a person is responsible for a civil infraction by one of the following:

(1) An admission of responsibility for the civil infraction.

(2) An admission of responsibility for the civil infraction, "with explanation."

(3) A preponderance of the evidence at an informal hearing or formal hearing on the question under MCLA 257.746 or 275.747.

(4) A default judgment for failing to appear as directed by a citation or other notice, at a scheduled appearance under MCLA 745(3)(b) or (4), at a scheduled informal hearing under MCLA 257.746, or at a scheduled formal hearing under MCLA 257.747.

d. House Address. The number assigned to consecutive intervals along a street pursuant to the Number Assignment Formula contained herein.

e. House Number. The street address assigned to a primary structure.

f. Number Assignment Formula. Beginning from the point of origin, a house number shall be assigned for each interval, with each interval on the right-hand side of the roadway as one leaves the point of origin being assigned an even number, and each interval on the left-hand side as one leaves the point of origin being assigned an odd number. The numbers assigned shall increase consecutively by an increment of two (2) for each interval. Intervals shall run North, South, East, and West or diagonally from the point of origin.

g. Primary Structure. Including but not limited to a residential building, mobile home park, commercial building, industrial building, office building and public building.

h. Interval. The distance along a roadway covered by this Ordinance of 10.56 feet, there being 500 intervals per mile (5,280 feet). Intervals of greater or lesser length than 10.56 feet may be determined by dividing the actual distance of the mile section by 500.

i. Point of Origin. The intersection of an East-West base line and a North-South base line from where all intervals begin. Currently the Point of Origin is the intersection of Sheridan Rd. and M-46.

j. Diagonal Roads. Roads whose course does not run in either an approximate North-South or East-West direction.

k. Unincorporated areas. The municipal jurisdictions in Saginaw County except the City of Saginaw, the City of Frankenmuth, and the City of Zilwaukee.

SECTION III
HOUSE ADDRESS ASSIGNMENT

3.1 The County of Saginaw shall be the governmental entity with exclusive overall administrative and coordinative responsibility to administer the operation and application of this ordinance. The County of Saginaw shall have the authority to draft rules and regulations for the operation of the House Addressing System. The County of Saginaw shall also have the authority to contract the duties of administration, implementation, and operation to another governmental agency.

3.2 Administration of the issuance of house numbers will be controlled by policies and procedures adopted by the County. The County and/or its contractor may from time to time change certain administrative procedures to comply with this ordinance. However, at minimum an application for a house number to the appropriate agency must include a site plan of the proposed structure and a legal description.

3.3 House numbers will be assigned to primary structures by creating a formal addressing system for buildings with standards and regulations for assigning addresses.

3.4 Notification will be given to interested parties of assigned address numbers.

3.5 Existing address numbers which do not comply with the Saginaw County Number Assignment Formula may be changed at the request of the property owner or his or her agent upon approval of the County or its contractor.

3.6 The County of Saginaw or its contractor shall be responsible for the assignment of addresses for all intervals along roadways emanating from the point of origin, including diagonal roads, pursuant to this Ordinance.

SECTION IV
HOUSE NUMBER DISPLAY

4.1 Each primary structure shall display a house number. A house number shall not be displayed containing numbers less than 3 inches in height. It shall be visible from the roadway named in the address, and all house numbers shall be in Arabic numerals (i.e., block print).

4.2 The primary structure is more than 90 feet back from the road, or the view of the structure is blocked by trees or shrubs or another structure, the house number shall be on a sign or attached to a tree, fence, post, or mailbox within 10 feet of the driveway and not more than 20 feet from the road with the following exception: Mailboxes that are grouped shall not be used for displaying house numbers as defined in these rules, as grouped mailboxes block the view of house numbers and/or do not provide identification of the location of residences.

SECTION V
ENFORCEMENT

5.1 This ordinance shall be enforced by the Saginaw County Sheriff Department. Representatives of the Saginaw County Sheriff Department are authorized to issue civil infraction citations for a violation of this ordinance.

SECTION VI
PENALTIES

6.1 Violations of this ordinance shall be processed in the same manner as a civil infraction and civil infraction determination under MCLA 257.1 to 257.923.

6.2 A person who violates the provisions of this ordinance is responsible for a civil infraction and subject to a warning letter for the first violation; a fine of $50 plus costs for the second violation; $150 plus costs for the third violation; and $200 plus costs for any subsequent violation.

6.3 If a person provides proof that the violation was corrected within 30 days of the date of the issuance of the civil infraction citation, the fines and costs may be waived.

SECTION VII
GENERAL PROVISIONS

7.1 If any part or parts of this ordinance are for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board declares that it would have passed this ordinance irrespective of the fact that any one part or parts to be declared invalid or unconstitutional.

7.2 Words or phrases used in the present tense include the future; words and phrases in the masculine gender include the feminine; the singular number includes the plural and the plural includes the singular.

SECTION VIII
EFFECTIVE DATE

8.1 This ordinance shall take effect 90 days after approval by the Saginaw County Board of Commissioners.

SAGINAW COUNTY
ORDINANCE # 114
SOIL EROSION AND SEDIMENTATION CONTROL

Resolution A - Adopted by Board 1/22/02, Amended 2/25/03
Approved by Michigan Department of Environmental Quality 5/20/03
Effective 5/29/03
Amendment Adopted by Board 2/24/04 - Resolution A from 1/20/04 Session
Amendment Adopted by Board 3/23/04 - Resolution C
Approved by the Michigan Department of Environmental Quality 4/28/04 - Effective 5/7/04
Amendment Adopted by Board 11/16/10
Approved by the Michigan Department of Natural Resources & Environment 1/7/11
Effective 1/14/11

WHEREAS, the State of Michigan has authorized counties to adopt a Soil Erosion and Sedimentation Control Ordinance pursuant to Part 91, Soil Erosion and Sedimentation Control, of 1994 P.A. 451, Natural Resources and Environmental Protection Act, as amended.

IT IS HEREBY RESOLVED AND ORDAINED:

(A) The Saginaw County Commissioner of Public Works is hereby appointed for the administration and enforcement of the Saginaw County Soil Erosion and Sedimentation Control Ordinance and all rules promulgated under state statute and this ordinance in the name of the County of Saginaw throughout the County of Saginaw except within a municipality that has assumed the responsibility for Soil Erosion and Sedimentation Control Act under MCL 426.9101 et seq; and with regard to earth changes by authorized public agencies.

(B) All persons filing an application for a S.E.S.C. permit shall pay permit fees as determined by the Saginaw County Board of Commissioners.

(C) That all provisions of Part 91, Soil Erosion and Sedimentation Control, of 1994 P.A. 451, Natural Resources and Environmental Protection Act, as amended, including all rules promulgated under this Part, and Saginaw County's Soil Erosion and Sedimentation Control Supplemental Rules and Conditions are adopted as the County Ordinance.

(D) That affixed to this ordinance is a copy of said statute and rules and the County hereby adopts the same as its own.

(E) The Saginaw County Public Works Commissioner and/or his or her designee(s) are authorized County Officials as defined by Municipal Civil Infraction Ordinance #115 and are empowered to issue municipal civil infraction citations under this Ordinance.

(F) That this ordinance shall be effective seven (7) days after written approval by the Department of Environmental Quality.

PART 91, SOIL EROSION AND SEDIMENTATION CONTROL
OF THE
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT
1994 PA 451, AS AMENDED

324.9101 Definitions; A to W.

Sec. 9101. (1) "Agricultural practices" means all land farming operations except the plowing or tilling of land for the purpose of crop production or the harvesting of crops.

(2) "Authorized public agency" means a state agency or an agency of a local unit of government authorized under section 9110 to implement soil erosion and sedimentation control procedures with regard to earth changes undertaken by it.

(3) "Conservation district" means a conservation district authorized under part 93.

(4) "Consultant" means either of the following:

(a) An individual who has a current certificate of training under section 9123.

(b) A person who employs 1 or more individuals who have current certificates of training under section 9123.

(5) "County agency" means an officer, board, commission, department, or other entity of county government.

(6) "County enforcing agency" means a county agency or a conservation district designated by a county board of commissioners under section 9105.

(7) "County program "or" county's program" means a soil erosion and sedimentation control program established under section 9105.

(8) "Department" means the department of environmental quality.

(9) "Earth change" means a human-made change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state. Earth change does not include the practice of plowing and tilling soil for the purpose of crop production.

(10) "Local ordinance" means an ordinance enacted by a local unit of government under this part providing for soil erosion and sedimentation control.

(11) "Municipal enforcing agency means an agency designated by a municipality under section 9106 to enforce a local ordinance.

(12) "Municipality" means any of the following: (a) A city. (b) A village. (c) A charter township. (d) A general law township that is located in a county with a population of 200,000 or more.

(13) "Rules" means the rules promulgated pursuant to the administrative procedures act of 1969. 1969 PA 306, MCL 24.201 to 24.328.

(14) "Sediment" means solid particulate matter, including both mineral and organic matter, that is in suspension in water, is being transported, or has been removed from its site of origin by the actions of wind, water, or gravity and has been deposited elsewhere.

(15) "Soil erosion" means the wearing away of land by the action of wind, water, gravity, or a combination of wind, water, or gravity.

(16) "State agency" means a principal state department or a state public agency.

(17) "Violation of this part" or "violates this part" means a violation of this part, the rules promulgated under this part, a permit issued under this part, or a local ordinance enacted under this part.

(18) "Waters of the state" means the Great Lakes and their connecting waters, inland lakes and streams as defined in rules promulgated under this part, and wetlands regulated under part 303.
History: Add. 1995. Act 60, Imd. Eff. May 24, 1995;--Am. 2000. Act 504, Imd. Eff. Jan. 11, 2001.

324.9102, 324.9103 Repealed. 2000, Act 504, Imd. Eff. Jan. 11, 2001. Compiler's Note: The repealed sections pertained to definitions and soil erosion and sedimentation control program.

324.9104 Rules; availability of information.

Sec. 9104. (1) The department, with the assistance of the department of agriculture, shall promulgate rules for a unified soil erosion and sedimentation control program, including provisions for the review and approval of site plans, land use plans, or permits relating to soil erosion control and sedimentation control. The department shall notify and make copies of proposed rules available to county enforcing agencies, municipal enforcing agencies, and authorized public agencies for review and comment before promulgation.

(2) The department shall make available to county enforcing agencies, municipal enforcing agencies, and authorized public agencies educational information on soil erosion and sedimentation control techniques and the benefits of implementing soil erosion and sedimentation control measures. County enforcing agencies and municipal enforcing agencies shall distribute this information to persons receiving permits under a county program or a local ordinance and to other interested persons.
History: Add. 1995, Act 60, Imd. Eff. May 24, 1995;--Am. 2000, Act 504, Imd. Eff. Jan 11, 2001

324.9105 Administration and enforcement of rules; resolution; ordinance; interlocal agreement; review; notice of results; informal meeting; probation; consultant; inspection fees; rescission of order, stipulation, or probation.

Sec. 9105. (1) Subject to subsection (6), a county is responsible for the administration and enforcement of this part and the rules promulgated under this part throughout the county except as follows:

(a) Within a municipality that has assumed the responsibility for soil erosion and sedimentation control under section 9106.

(b) With regard to earth changes of authorized public agencies.

(2) Subject to subsection (3), the county board of commissioners of each county, by resolution, shall designate a county agency, or a conservation district upon the concurrence of the conservation district, as the county enforcing agency responsible for administration and enforcement of this part and the rules promulgated under this part in the name of the county. The resolution may set forth a schedule of fees for inspections, plan reviews, and permits and may set forth other matters relating to the administration and enforcement of the county program and this part and the rules promulgated under this part.

(3) In lieu of or in addition to a resolution provided for in subsection (2), the county board of commissioners of a county may provide by ordinance for soil erosion and sedimentation control in the county. An ordinance adopted under this subsection may be more restrictive than, but shall not make lawful that which is unlawful under, this part and the rules promulgated under this part. If an ordinance adopted under this subsection is more restrictive than this part and the rules promulgated under this part, the county enforcing agency shall notify a person receiving a permit under the ordinance that the ordinance is more restrictive than this part and the rules promulgated under this part. The ordinance shall incorporate by reference the rules promulgated under this part that do not conflict with a more restrictive ordinance and may set forth such other matters as the county board of commissioners considers necessary or desirable. The ordinance may provide penalties for a violation of the ordinance that are consistent with section 9121.

(4) A copy of a resolution or ordinance adopted under this section and all subsequent amendments to the resolution or ordinance shall be forwarded to the department for the department's review and approval. The department shall forward a copy to the conservation district for that county for review and comment. Not later than December 31, 2001, the department shall prepare and submit a report to the standing committees of the senate and the house of representatives with jurisdiction over issues primarily related to natural resources and the environment. This report shall detail the number and the substance of complaints that have been received by the department related to county ordinances that have been adopted under subsection (3) that are more restrictive than this part and the rules promulgated under this part.

(5) Two or more counties may provide for joint enforcement and administration of this part and the rules promulgated under this part by entering into an interlocal agreement pursuant to the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124 512.

(6) Within 3 years after the effective date of the amendatory act that added this subsection, the department shall conduct an initial review of each county's soil erosion and sedimentation control

program in accordance with a schedule established by the department. If the department approves a county program, its approval is valid for a 5-year period. After the initial review, the department shall conduct a review of a county's program every 5 years. The review shall be conducted at least 6 months before the expiration of each succeeding 5-year period. The department shall approve a county's program if all of the following conditions are met:

(a) The county has passed a resolution or enacted an ordinance as provided in this section.

(b) The individuals with decision-making authority who are responsible for administering the county program have current certificates of training under section 9123.

(c) The county has effectively administered and enforced the county program in the past 5 years or has implemented changes in its administration or enforcement procedures that the department determines will result in the county effectively administering and enforcing the county program. In determining whether the county has met the requirement of this subdivision, the department shall consider all of the following:

(i) Whether a mechanism is in place to provide funding to administer the county's program

(ii) Whether the county has conducted adequate inspections to assure minimization of soil erosion and off-site sedimentation.

(iii) The effectiveness of the county's past compliance and enforcement efforts.

(iv) The adequacy and effectiveness of the applications and soil erosion and sedimentation control plans being accepted by the county.

(v) The adequacy and effectiveness of the permits issued by the county and the inspections being performed by the county.

(vi) The conditions at construction sites under the jurisdiction of the county as documented by departmental inspections.

(7) Following a review under subsection (6), the department shall notify the county of the results of its review and whether the department proposes to approve or disapprove the county's program. Within 30 days of receipt of the notice under this subsection, a county may request and the department shall hold an informal meeting to discuss the review and the proposed action by the department.

(8) Following the meeting under subsection (7), if requested, and consideration of the review under subsection (6), if the department does not approve a county's program, the department shall enter an order, stipulation, or consent agreement under section 91 12(2) placing the county on probation. In addition, at any time that the department determines that a county that was previously approved by the department under subsection (6) is not satisfactorily administering and enforcing the county's program, the department shall enter into an order, stipulation, or consent agreement under section

9112(2) placing the county on probation. During the 6-month period after a county is placed on probation, the department shall consult with the county on how the county could change its administration of the county program in a manner that would result in its approval.

(9) Within 6 months after a county has been placed on probation under subsection (8), the county may notify the department that it intends to hire a consultant to administer the county's program. If, within 60 days after notifying the department, the county hires a consultant that is acceptable to the department, then within 1 year after the county hires the consultant, the department shall conduct a review of the county's program to determine whether or not the county program can be approved.

(10) If any of the following occur, the department shall hire a consultant to administer the county's program:

> (a) The county does not notify the department of its intent to hire a consultant under subsection (9).
>
> (b) The county does not hire a consultant that is acceptable to the department within 60 days after notifying the department of its intent to hire a consultant under subsection (9).
>
> (c) The county remains unapproved following the department's review under subsection (9).

(11) Upon hiring a consultant under subsection (10), the department may establish a schedule of fees for inspections, review of soil erosion and sedimentation control plans, and permits for the county's program that will provide sufficient revenues to pay for the cost of the contract with the consultant, or the department may bill the county for the cost of the contract with the consultant. As used in this subsection, "cost of the contract" means the actual cost of a contract with a consultant plus the documented costs to the department in administering the contract, but not to exceed 10% of the actual cost of the contract.

(12) At any time that a county is on probation as provided for in this section, the county may request the department to conduct a review of the county's program. If, upon such review, the county has implemented appropriate changes to the county's program, the department shall approve the county's program. If the department approves a county's program under this subsection, the department shall rescind its order, stipulation, or consent agreement that placed the county on probation.
History: Add 1995, Act 60, Imd. Eff. May 24, 1995;--Am. 2000, Act 504, Imd. Eff Jan. 11, 2001

324.9106 Ordinances.

Sec. 9106. (1) Subject to subsection (3), a municipality by ordinance may provide for soil erosion and sedimentation control on public and private earth changes within its boundaries except that a township ordinance shall not be applicable within a village that has in effect such an ordinance. An ordinance may be more restrictive than, but shall not make lawful that which is unlawful under, this part and the rules promulgated under this part. If an ordinance adopted under this section is more restrictive than this part and the rules promulgated under this part, the municipal enforcing agency shall notify a person receiving a permit under the ordinance that the ordinance is more restrictive

than this part and the rules promulgated under this part. The ordinance shall incorporate by reference the rules promulgated under this part that do not conflict with a more restrictive ordinance, shall designate a municipal enforcing agency responsible for administration and enforcement of the ordinance, and may set forth such other matters as the legislative body considers necessary or desirable. The ordinance shall be applicable and shall be enforced with regard to all private and public earth changes within the municipality except earth changes by an authorized public agency. The municipality may consult with a conservation district for assistance or advice in the preparation of the ordinance. The ordinance may provide penalties for a violation of the ordinance that are consistent with section 9121.

(2) An ordinance related to soil erosion and sedimentation control that is not approved by the department as conforming to the minimum requirements of this part and the rules promulgated under this part has no force or effect. A municipality shall submit a copy of its proposed ordinance or of a proposed amendment to its ordinance to the department for approval before adoption. The department shall forward a copy to the county enforcing agency of the county in which the municipality is located and the appropriate conservation district for review and comment. Within 90 days after the department receives an existing ordinance, proposed ordinance, or amendment, the department shall notify the clerk of the municipality of its approval or disapproval along with recommendations for revision if the ordinance, proposed ordinance, or amendment does not conform to the minimum requirements of this part or the rules promulgated under this part. If the department does not notify the clerk of the local unit within the 90-day period, the ordinance, proposed ordinance, or amendment shall be considered to have been approved by the department.

(3) After a date determined by a schedule established by the department, but not later than 3 years after the effective date of the amendatory act that added this subsection, a municipality shall not administer and enforce this part or the rules promulgated under this part or a local ordinance unless the department has approved the municipality. An approval under this section is valid for 5 years, after which the department shall review the municipality for reapproval. At least 6 months before the expiration of each succeeding 5-year approval period, the department shall complete a review of the municipality for reapproval. The department shall approve a municipality if all of the following conditions are met:

(a) The municipality has enacted an ordinance as provided in this section that is at least as restrictive as this part and the rules promulgated under this part.

(b) The individuals with decision-making authority who are responsible for administering the soil erosion and sedimentation control program for the municipality have current certificates of training under section 9123.

(c) The municipality has submitted evidence of its ability to effectively administer and enforce a soil erosion and sedimentation control program. In determining whether the municipality has met the requirements of this subdivision, the department shall consider all of the following:

(i) Whether a mechanism is in place to provide funding to administer the municipality's soil erosion and sedimentation control program.

(ii) The adequacy of the documents proposed for use by the municipality including, but not limited to, application forms, soil erosion and sedimentation control plan requirements, permit forms, and inspection reports.

(iii) If the municipality has previously administered a soil erosion and sedimentation control program, whether the municipality effectively administered and enforced the program in the past or has implemented changes in its administration or enforcement procedures that the department determines will result in the municipality effectively administering and enforcing a soil erosion and sedimentation control program in compliance with this part and the rules promulgated under this part. In determining whether the municipality has met the requirement of this subparagraph, the department shall consider all of the following:

(A) Whether the municipality has had adequate funding to administer the municipality's soil erosion and sedimentation control program.

(B) Whether the municipality has conducted adequate inspections to assure minimization of soil erosion and off-site sedimentation.

(C) The effectiveness of the municipality's past compliance and enforcement efforts.

(D) The adequacy and effectiveness of the applications and soil erosion and sedimentation control plans being accepted by the municipality.

(E) The adequacy and effectiveness of the permits issued by the municipality and the inspections being performed by the municipality.

(F) The conditions at construction sites under the jurisdiction of the municipality as documented by departmental inspections.

(4) If the department determines that a municipality is not approved under subsection (3) or that a municipality that was previously approved under subsection (3) is not satisfactorily administering and enforcing this part and the rules promulgated under this part, the department shall enter an order, stipulation, or consent agreement under section 9112(2) denying the municipality authority or revoking the municipality's authority to administer a soil erosion and sedimentation control program. Upon entry of this order, stipulation, or consent agreement, the county program for the county in which the municipality is located becomes operative within the municipality.

(5) A municipality that elects to rescind its ordinance shall notify the department. Upon rescission of its ordinance, the county program for the county in which the municipality is located becomes operative within the municipality.

(6) A municipality that rescinds its ordinance or is not approved by the department to administer the program shall retain jurisdiction over projects under permit at that time. The municipality shall

retain jurisdiction until the projects are completed and stabilized or the county agrees to assume jurisdiction over the permitted earth changes.
History: Add. 1995, Act 60, Imd. Eff. May 24, 1995;--Am. 2000, Act 504, Imd. Eff. Jan 11. 2001

324.9107 Notice of violation.

Sec. 9107. If a local unit of government has notice that a violation of this part has occurred within the boundaries of that local unit of government, including but not limited to a violation attributable to an earth change by an authorized public agency, the local unit of government shall notify the appropriate county enforcing agency and municipal enforcing agency and the department of the violation.
History: Add. 1995, Act 60, Imd. Eff May 24, 1995;-Am. 2000, Act 504, Imd. Eff Jan. 11, 2001.

324.9108 Permit; deposit as condition for issuance.

Sec. 9108. As a condition for the issuance of a permit, the county enforcing agency or municipal enforcing agency may require the applicant to deposit with the clerk of the county or municipality in the form of cash, a certified check, or an irrevocable bank letter of credit, whichever the applicant selects, or a surety bond acceptable to the legislative body of the county or municipality or to the county enforcing agency or municipal enforcing agency, in an amount sufficient to assure the installation and completion of such protective or corrective measures as may be required by the county enforcing agency or municipal enforcing agency.
History: Add. 1995, Act 60, Imd Eff. May 24, 1995;--Am. 2000, Act 504, Imd Eff. Jan 11, 2001.

324.9109 Agreement between public agency or county or municipal enforcing agency and conservation district; purpose; reviews and evaluations of agency's programs or procedures; agreement between person engaged in agricultural practices and conservation district; notification: enforcement.

Sec. 9109. (1) An authorized public agency, county enforcing agency, or municipal enforcing agency may enter into an agreement with a conservation district for assistance and advice in overseeing and reviewing compliance with soil erosion and sedimentation control procedures and in reviewing existing or proposed earth changes, earth change plans, or site plans with regard to technical matters pertaining to soil erosion and sedimentation control. In addition to or in the absence of such agreements, conservation districts may perform periodic reviews and evaluations of the authorized public agency's, county enforcing agency's, or municipal enforcing agency's programs or procedures pursuant to standards and specifications developed in cooperation with the respective districts and as approved by the department. These reviews and evaluations shall be submitted to the department for appropriate action.

(2) A person engaged in agricultural practices may enter into an agreement with the appropriate conservation district to pursue agricultural practices in accordance with and subject to this part, the rules promulgated under this part, and any applicable local ordinance. If a person enters into an agreement with a conservation district, the conservation district shall notify the county enforcing agency or municipal enforcing agency or the department in writing of the agreement. Upon entering into the agreement under this subsection, a person is not subject to permits required under this part,

but is required to develop project specific soil erosion and sedimentation control plans and is subject to the remedies provided for in this part for violations of this part.
History: Add. 1995, Act 60, Imd Eff. May 24, 1995;--Am. 2000, Act 504, Imd. Eff. Jan. 11. 2001

324.9110 Designation as authorized public agency; application; submission of procedures; variance; approval.

Sec. 9110. (1) Subject to subsection (4), a state agency or an agency of a local unit of government may apply to the department for designation as an authorized public agency by submitting to the department the soil erosion and sedimentation control procedures governing all earth changes normally undertaken by the agency. If the applicant is an agency of a local unit of government, the department shall submit the procedures to the county enforcing agency and the appropriate conservation district for review. The county enforcing agency and the conservation district shall submit their comments on the procedures to the department within 60 days. If the applicant is a state agency, the department shall submit the procedures to the department of agriculture for review, and the department of agriculture shall submit its comments on the procedures to the department within 60 days.

(2) Subject to subsection (4), if the department finds that the soil erosion and sedimentation control procedures of the state agency or the agency of the local unit of government meet the requirements of this part and rules promulgated under this part, the department shall designate the agency as an authorized public agency.

(3) Subject to subsection (4), after approval of the procedures and designation as an authorized public agency pursuant to subsection (1) or (2), all earth changes maintained or undertaken by the authorized public agency shall be undertaken pursuant to the approved procedures. If determined necessary by the department and upon request of an authorized public agency, the department may grant a variance from the provisions of this subsection.

(4) After a date determined by a schedule established by the department, but not later than 3 years after the effective date of the amendatory act that added this subsection, a state agency or an agency of a local unit of government shall not administer and enforce this part and the rules promulgated under this part as an authorized public agency unless the department has approved the agency under this section. An approval under this section is valid for 5 years, after which the department shall review the agency for reapproval. At least 6 months before the expiration of each succeeding 5-year period, the department shall complete a review of the authorized public agency for reapproval. The department shall approve a state agency or an agency of a local unit of government if all of the following conditions are met:

(a) The agency has adopted soil erosion and sedimentation control procedures that are at least as restrictive as this part and the rules promulgated under this part.

(b) The individuals with decision-making authority who are responsible for administering the soil erosion and sedimentation control procedures have current certificates of training under section 9123.

(c) The agency has submitted evidence of its ability to effectively administer soil erosion

and sedimentation control procedures. In determining whether the agency has met the requirement of this subdivision, the department shall consider all of the following:

(i) Funding to administer the agency's soil erosion and sedimentation control program.

(ii) The agency's plans for inspections to assure minimization of soil erosion and off-site sedimentation.

(iii) The adequacy of the agency's soil erosion and sedimentation control procedures.

(iv) If the agency has previously administered soil erosion and sedimentation control procedures, the agency has effectively administered these procedures or has implemented changes in their administration that the department determines will result in the agency effectively administering the soil erosion and sedimentation control procedures. In determining whether the agency has met the requirement of this subparagraph, the department shall consider all of the following:

(A) Whether the agency has had adequate funding to administer the agency's soil erosion and sedimentation control program.

(B) Whether the agency has conducted adequate inspections to assure minimization of soil erosion and off-site sedimentation.

(C) The effectiveness of the agency's past compliance and enforcement efforts.

(D) The adequacy of the agency's soil erosion and sedimentation control plans and procedures as required by rule.

(E) The conditions at construction sites under the jurisdiction of the agency as documented by departmental inspections.

(5) If the department determines that a state agency or an agency of a local unit of government is not approved under subsection (4) or that a state agency or an agency of a local unit of government that was previously approved under subsection (4) is not satisfactorily administering and enforcing this part and the rules promulgated under this part, the department shall enter an order, stipulation, or consent agreement under section 9112(2) denying or revoking the designation of the state agency or agency of a local unit of government as an authorized public agency.
History: Add. 1995, Act 60, Imd Eff. May 24, 1995--Am. 2000, Act 504, Imd. Eff Jan 11, 2001.

324.9111 Repealed. 2000, Act 504, Imd. Eff. Jan. 11, 2001.
Compiler's Note: The repealed section pertained to statements and certificates relating to plats.

324.9112 Earth change; permit required; violation; notice; hearing; answer; evidence; stipulation or consent order; final order of determination.

Sec. 9112. (1) A person shall not maintain or undertake an earth change governed by this part, the rules promulgated under this part, or an applicable local ordinance, except in accordance with this part and the rules promulgated under this part or with the applicable local ordinance, and pursuant to a permit approved by the appropriate county enforcing agency or municipal enforcing agency. A county enforcing agency or municipal enforcing agency shall approve or deny an application for a permit within 30 days after the filing of a complete application for a permit.

(2) If in the opinion of the department a person, including an authorized public agency, violates this part, the rules promulgated under this part, or an applicable local ordinance, or a county enforcing agency or municipal enforcing agency fails to enforce this part, the rules promulgated under this part, or an applicable local ordinance, the department may notify the alleged offender in writing of its determination. If the department places a county on probation under section 9105, a municipality is not approved under section 9106, or a state agency or agency of a local unit of government is not approved under section 9110, or if the department determines that a municipal enforcing agency or authorized public agency is not satisfactorily administering and enforcing this part and rules promulgated under this part, the department shall notify the county, municipality, state agency, or agency of a local unit of government in writing of its determination or action. The notice shall contain, in addition to a statement of the specific violation or failure that the department believes to exist, a proposed order, stipulation for agreement, or other action that the department considers appropriate to assure timely correction of the violation or failure. The notice shall set a date for a hearing not less than 4 nor more than 8 weeks from the date of the notice of determination. Extensions of the date of the hearing may be granted by the department or on request. At the hearing, any interested party may appear, present witnesses, and submit evidence. A person who has been served with a notice of determination may file a written answer to the notice of determination before the date set for hearing or at the hearing may appear and present oral or written testimony and evidence on the charges and proposed requirements of the department to assure correction of the violation or failure. If a person served with the notice of determination agrees with the proposed requirements of the department and notifies the department of that agreement before the date set for the hearing, disposition of the case may be made with the approval of the department by stipulation or consent agreement without further hearing. The final order of determination following the hearing, or the stipulation or consent order as authorized by this section and approved by the department, is conclusive unless reviewed in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, in the circuit court of Ingham county, or of the county in which the violation occurred, upon petition filed within 15 days after the service upon the person of the final order of determination.

History: Add.1995, Act 60, Imd. Eff. May 24, 1995;—Am 2000, Act 504, Imd. Eff. Jan. 11. 2001.

324.9113 Injunction; inspection and investigation.

Sec. 9113. (1) Notwithstanding the existence or pursuit of any other remedy, the department or a county enforcing agency or municipal enforcing agency may maintain an action in its own name in a court of competent jurisdiction for an injunction or other process against a person to restrain or prevent violations of this part.

(2) An agent appointed by the department, a county enforcing agency, or a municipal enforcing

agency may enter at all reasonable times in or upon any private or public property for the purpose of inspecting and investigating conditions or practices that may be in violation of this part.
History: Add.1,995, Act 60, Imd. Eff. May 24, 1995;--Am. 2000, Act 504. Imd. Eff. Jan 11. 2001.

324.9114 Additional rules.

Sec. 9114. In order to carry out their functions under this part, the department and the department of agriculture may promulgate rules in addition to those otherwise authorized in this part.
History: Add. 1995, Act 60, Imd Eff. May 24, 1995.

324.9115 Logging, mining, or land plowing or tilling; permit exemption; "mining" defined.

Sec. 9115. (1) Subject to subsection (2), a person engaged in the logging industry, the mining industry, or the plowing or tilling of land for the purpose of crop production or the harvesting of crops is not required to obtain a permit under this part. However, all earth changes associated with the activities listed in this section shall conform to the same standards as if they required a permit under this part. The exemption from obtaining a permit under this subsection does not include either of the following:

(a) Access roads to and from the site where active mining or logging is taking place.

(b) Ancillary activities associated with logging and mining.

(2) This part does not apply to a metallic mineral mining activity that is regulated under a mining and reclamation plan that contains soil erosion and sedimentation control provisions and that is approved by the department under part 631.

(3) A person is not required to obtain a permit from a county enforcing agency or a municipal enforcing agency for earth changes associated with well locations, surface facilities, flowlines, or access roads relating to oil or gas exploration and development activities regulated under part 615, if the application for a permit to drill and operate under part 615 contains a soil erosion and sedimentation control plan that is approved by the department under part 615. However, those earth changes shall conform to the same standards as required for a permit under this part. This subsection does not apply to a multisource commercial hazardous waste disposal well as defined in section 62506a.

(4) As used in this section, "mining" does not include the removal of clay, gravel, sand, peat, or topsoil.
History: Add. 1995, Act 60, Imd. Eff May 24, 1995--Am. 2000, Act 504, Imd. Eff. Jan 11, 2001

324.9116 Reduction of soil erosion or sedimentation by owner.

Sec. 9116. A person who owns land on which an earth change has been made that may result in or contribute to soil erosion or sedimentation of the waters of the state shall implement and maintain soil erosion and sedimentation control measures that will effectively reduce soil erosion or sedimentation from the land on which the earth change has been made.

History: Add.1995, Act 60, Imd. Eff. May 24,1995.

324.9117 Notice of determination.

Sec. 9117. If the county enforcing agency or municipal enforcing agency that is responsible for enforcing this part and the rules promulgated under this part determines that soil erosion or sedimentation of adjacent properties or the waters of the state has or will reasonably occur from land in violation of this part or the rules promulgated under this part or an applicable local ordinance, the county enforcing agency or municipal enforcing agency may seek to enforce a violation of this part by notifying the person who owns the land, by mail, with return receipt requested, of its determination. The notice shall contain a description of the violation and what must be done to remedy the violation and shall specify a time to comply with this part and the rules promulgated under this part or an applicable local ordinance.
History: Add.1995, Act 60, Imd. Eff. May 24, 1995;-Am 2000, Act 504, Imd. Eff. Jan. 11, 2001

324.9118 Compliance; time.

Sec. 9118. Within 5 days after a notice of violation has been issued under section 9117, a person who owns land subject to this part and the rules promulgated under this part shall implement and maintain soil erosion and sedimentation control measures in conformance with this part, the rules promulgated under this part, or an applicable local ordinance.
History: Add 1995, Act 60, Imd. Eff. May 24, 1995;--Am. 2000, Act 504, Imd. Eff Jan. 11, 2001.

324.9119 Entry upon land; construction, implementation, and maintenance of soil erosion and sedimentation control measures; cost.

Sec. 9119. Except as otherwise provided in this section, not sooner than 5 days after notice of violation of this part has been mailed under section 9117, if the condition of the land, in the opinion of the county enforcing agency or municipal enforcing agency, may result in or contribute to soil erosion or sedimentation of adjacent properties or to the waters of the state, and if soil erosion and sedimentation control measures in conformance with this part and the rules promulgated under this part or an applicable local ordinance are not in place, the county enforcing agency or municipal enforcing agency, or a designee of either of these agencies, may enter upon the land and construct, implement, and maintain soil erosion and sedimentation control measures in conformance with this part and the rules promulgated under this part or an applicable local ordinance. However, the enforcing agency shall not expend more than $10,000.00 for the cost of the work, materials, labor, and administration without prior written notice in the notice provided in section 9117 for the person who owns the land that the expenditure of more than $10,000.00 may be made. If more than $10,000.00 is to be expended under this section, then the work shall not begin until at least 10 days after the notice of violation has been mailed.
History: Add. 1995, Act 60, Imd. Eff. May 24, 1995--Am. 2000, Act 504, Imd. Eff. Jan. 11, 2001.

324.9120 Reimbursement of county or municipal enforcing agency; lien for expenses; priority; collection and treatment of lien.

Sec. 9120. (1) All expenses incurred by a county enforcing agency or a municipal enforcing agency

under section 9119 to construct, implement, and maintain soil erosion and sedimentation control measures to bring land into conformance with this part and the rules promulgated under this part or an applicable local ordinance shall be reimbursed to the county enforcing agency or municipal enforcing agency by the person who owns the land.

(2) The county enforcing agency or municipal enforcing agency shall have a lien for the expenses incurred under section 9119 of bringing the land into conformance with this part and the rules promulgated under this part or an applicable local ordinance. However, with respect to single-family or multifamily residential property, the lien for such expenses shall have priority over all liens and encumbrances filed or recorded after the date of such expenditure. With respect to all other property, the lien for such expenses shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, 1893 PA 206, MCL 211.1 to 21 1.157.

History: Add. 1995. Act 60. Imd. Eff. May 24. 1995--Am 2000. Act 504. Imd. Eff. Jan 11. 2001

324.9121 Violations; penalties.

Sec. 9121. (1) A person who violates this part is responsible for either of the following:

(a) If the action is brought by a county enforcing agency or a municipal enforcing agency of a local unit of government that has enacted an ordinance under this part that provides a penalty for violations, the person is responsible for a municipal civil infraction and may be ordered to pay a civil fine of not more than $2,500.00.

(b) If the action is brought by the state or a county enforcing agency of a county that has not enacted an ordinance under this part, the person is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than $2,500.00.

(2) A person who knowingly violates this part or knowingly makes a false statement in an application for a permit or in a soil erosion and sedimentation control plan is responsible for the payment of a civil fine of not more than $10,000.00 for each day of violation.

(3) A person who knowingly violates this part after receiving a notice of determination under section 9112 or 9117 is responsible for the payment of a civil fine of not less than $2,500.00 or more than $25,000.00 for each day of violation.

(4) Civil fines collected under subsections (2) and (3) shall be deposited as follows:

(a) If the state filed the action under this section, in the general fund of the state.

(b) If a county enforcing agency or municipal enforcing agency filed the action under this section, with the county or municipality that filed the action.

(c) If an action as filed jointly by the state and a county enforcing agency or municipal enforcing agency, the civil fines collected under this subsection shall be divided in

proportion to each agency's involvement as mutually agreed upon by the agencies. All fines going to the department shall be deposited into the general fund of the state.

(5) A default in the payment of a civil fine or costs ordered under this section or an installment of the fine or costs may be remedied by any means authorized under the revised judicature act of 1961, 1961 PA 236. MCL 600.101 to 600.9948

(6) In addition to a fine assessed under this section, a person who violates this part is liable to the state for damages for injury to, destruction of, or loss of natural resources resulting from the violation. The court may order a person who violates this part to restore the area or areas affected by the violation to their condition as existing immediately prior to the violation.

(7) This section applies to an authorized public agency, in addition to other persons. This section does not apply to a county enforcing agency or a municipal enforcing agency with respect to its administration and enforcement of this part and rules promulgated under this part.

History: Add. 1995, Act 60, Imd. Eff. May 24, 1995;--Am. 1996, Act 173, Imd Eff. Apr. 18, 1996;--Am. 2000, Act 504, Imd. Eff. Jan. 11, 2001.

324.9122 Severability.

Sec. 9122. If any provision of this part is declared by a court to be invalid, the invalid provision shall not affect the remaining provisions of the part that can be given effect without the invalid provision. The validity of the part as a whole or in part shall not be affected, other than the provision invalidated.
History: Add 1995, Act 60, Imd. Eff. May 24, 1995.

324.9123 Training program; certificate; fees.

Sec. 9123. (1) Beginning 3 years after the effective date of the 2000 amendments to this section, each individual who is responsible for administering this part and the rules promulgated under this part or a local ordinance and who has decision-making authority for soil erosion and sedimentation control plan development or review, inspections, permit issuance, or enforcement shall be trained by the department. The department shall issue a certificate of training to individuals under this section if they do both of the following:

(a) Complete a soil erosion and sedimentation control training program sponsored by the department.

(b) Pass an examination on the subject matter covered in the training program under subdivision (a).

(2) A certificate of training under subsection (1) is valid for 5 years. For recertifications, the department may offer a refresher course or other update in lieu of the requirements of subsection (1)(a) and (b).

(3) The department may charge fees for administering the training program and the examination under this section that are not greater than the department's cost of administering the training program and the examination. All fees collected under this section shall be deposited into the soil erosion and sedimentation control training fund created in section 9123a.
History:Add 1995, Act 60, Imd.Eff. May 24, 1995;--Am.2000, Act 504, Imd. Eff Jan. 11, 2001.

324.9123a Soil erosion and sedimentation control training fund; creation; disposition of funds; lapse; expenditures.

Sec. 9123a. (1) The soil erosion and sedimentation control training fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the soil erosion and sedimentation control training fund. The state treasurer shall direct the investment of the soil erosion and sedimentation control training fund. The state treasurer shall credit to the soil erosion and sedimentation control training fund interest and earnings from fund investments.

(3) Money in the soil erosion and sedimentation control training fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall expend money from the fund, upon appropriation, only to administer the soil erosion and sedimentation control training program and examination under section 9123.
History: Add. 2000, Act 504, Imd Eff. Jan. 11, 2001.

DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND AND WATER MANAGEMENT DIVISION

(By authority conferred on the water resources commission by sections 2 and 5 of Act No. 245 of the Public Acts of 1929, as amended, sections 33 and 63 of Act No. 306 of the Public Acts of 1969, as amended, and Executive Order No. 1976-8a, being SS323.2, 323.5, 24.233, and 24.263 of the Michigan Compiled Laws)

PART 17. SOIL EROSION AND SEDIMENTATION CONTROL

R 323.1701 Definitions.

Rule 1701. (1) As used in this part:

(a) "Accelerated soil erosion" means the increased loss of the land surface that occurs as a result of human activities.

(b) "Acceptable erosion and sediment control program" means the activities of a county or local enforcing agency or authorized public agency that are conducted in accordance with these rules and part 91 regarding staff training, developing and reviewing plans, issuing permits, conducting inspections, and initiating compliance and enforcement actions to effectively minimize erosion and off-site sedimentation.

(c) "Designated agent" means a person who has written authorization from the landowner to sign the application and secure a permit in the landowner's name.

(d) "Lake" means the Great Lakes and all natural and artificial inland lakes or impoundments that have definite banks, a bed, visible evidence of a continued occurrence of water, and a surface area of water that is equal to, or greater than, 1 acre, "Lake" does not include sediment basins and basins constructed for the sole purpose of storm water retention, cooling water, or treating polluted water.

(e) "Landowner" means the person who owns or holds a recorded easement on the property or who is engaged in construction in a public right-of-way in accordance with sections 13, 14, 15, and 16 of Act No. 368 of the Public Acts of 1925, as amended, being § 247.184, 247.185, and 247.1B6 of the Michigan Compiled Laws.

(f) "Nonerosive velocity" means a speed of water movement that is not conducive to the development of accelerated soil erosion.

(g) "Part 91" means part 91 of Act No. 451 of the Public Acts of 1994, as amended, being §324.9101 to 324.9123 of the Michigan Compiled Laws.

(h) "Sediment basin" means a naturally occurring or constructed depression used for the sole purpose of capturing sediment during or after an earth change activity.

(i) "Stabilization" means the establishment of vegetation or the proper placement, grading, or covering of soil to ensure its resistance to soil erosion, sliding, or other earth movement.

(j) “Storm water retention basin” means an area which is constructed to capture surface water runoff and which does not discharge directly to a lake or stream through an outlet. Water leaves the basin by infiltration and evaporation.

(k) “Stream” means a river, creek, or other surface watercourse which may or may not be serving as a drain as defined in Act No. 40 of the Public Acts of 1956, as amended, being §280.1 et seq. of the Michigan Compiled Laws, and which has definite banks, a bed, and visible evidence of the continued flow or continued occurrence of water, including the connecting waters of the Great Lakes.

(l) “Temporary soil erosion and sedimentation control measures’ means interim control measures which are installed or constructed to control soil erosion and sedimentation and which are not maintained after project completion.

(m) “Permanent soil erosion and sedimentation control measures’ means control measures which are installed or constructed to control soil erosion and sedimentation and which are maintained after project completion.

(2) The terms defined in part 91 have the same meanings when used in these rules.
History; 1954 ACS 81, Eff. Jan. 1,1975; 1979 AC; 1998 MR 7, Eff. July 15, 1998.

R 323.1702 Earth change requirements generally.
Rule 1702. (1) A person shall conduct an earth change in a manner that will effectively reduce accelerated soil erosion and resulting sedimentation.

(2) A person engaged in an earth change identified in R 323.1704 shall plan, implement, arid maintain acceptable soil erosion and sedimentation control measures in conformance with part 91, which effectively reduce accelerated soil erosion and off-site sedimentation.

(3) A person shall set forth soil erosion and sedimentation control measures in a plan as prescribed by P 323.1703. A person shall make the plan available for inspection at all times at the site of the earth change. The department, or its designated representative, may require the county or local enforcing agency to file a copy of the plan with the department.

(4) A person shall obtain a permit containing state prescribed information, as required by R 323.1707, and make the permit available for inspection at the site of the earth change.
History: 1954 ACS 81, Eff. Jan. 1, 1975; 1979 AC; 1998 MR 7, Eff. July 15, 1998

R 323.1703 Soil erosion and sedimentation control plan requirements.
Rule 1703. A person shall prepare a soil erosion and sedimentation control plan for any earth change identified in R 323.1704. A person shall design the plan to effectively reduce accelerated soil erosion and sedimentation and shall identify factors, that may contribute to soil erosion or sedimentation, or both. The plan shall include, but not be limited to, all of the following:

(a) A map or maps at a scale of not more than 200 feet to the inch or as otherwise determined by the county or local enforcing agency. A map shall include a legal description and site location sketch

that includes the proximity of any proposed earth change to lakes or streams, or both; predominant land features; and contour intervals or slope description.

(b) A soils survey or a written description of the soil types of the exposed land area contemplated for the earth change.

(c) Details for proposed earth changes, including all of the following:

(i) A description and the location of the physical limits of each proposed earth change.

(ii) A description and the location of all existing and proposed on-site drainage and dewatering facilities.

(iii) The timing and sequence of each proposed earth change.

(iv) The location and description for installing and removing all proposed temporary soil erosion and sediment control measures.

(v) A description and the location of all proposed permanent soil erosion and sediment control measures.

(vi) A program proposal for the continued maintenance of all permanent soil erosion and sediment control measures that remain after project completion, including the designation of the person responsible for the maintenance. Maintenance responsibilities shall become a part of any sales or exchange agreement for the land on which the permanent soil erosion control measures are located.
History: 1954 ACS 81, Eff. Jan. 1, 1975; 1979 AC; 1998 MR 7, Eff. July 15, 1998.

R 323.1704 Permit requirements.
Rule 1704. (1) A landowner or designated agent who contracts for, allows, or engages in, an earth change in this state shall obtain a permit from the appropriate enforcing agency before commencing an earth change which disturbs 1 or more acres of land or which is within 500 feet of the water's edge of a lake or stream, unless exempted in P 323.1705.

(2) An earth change activity that does not require a permit under subrule (1) of this rule is not exempt from enforcement procedures under part 91 or these rules, if the activity exempted by subrule (1) of this rule causes or results in a violation of part 91 or these rules.
History: 1954 ACS 81, Eff. Jan. 1,1975; 1979 AC; 1998 MR 7, Eff. July 15, 1998.

R 323.1705 Permit exemptions and waivers.
Rule 1705. (1) A permit is not required for any of the following:

(a) A beach nourishment project permitted under part 325 of Act No. 451 of the Public Acts of 1994, as amended, being § 324.32501 et seq. of the Michigan Compiled Laws.

(b) Normal road and driveway maintenance, such as grading or leveling, that does not increase the width or length of the road or driveway and that will not contribute sediment to lakes or streams.

(c) An earth change of a minor nature that is stabilized within 24 hours of the initial earth disturbance and that will not contribute sediment to lakes or streams.

(d) Installation of oil, gas, and mineral wells under permit from the supervisor of wells if the owner-operator is found by the supervisor of wells to be in compliance with the conditions of part 91.

(2) A county or local enforcing agency may grant a permit waiver for an earth change after receiving a signed affidavit from the landowner stating that the earth change will disturb less than 225 square feet and that the earth change will not contribute sediment to lakes or streams.

(3) Exemptions provided in subrule (1) and (2) of this rule shall not be construed as exemptions from enforcement procedures under part 91 or these rules, if the activities exempted by subrules (1) and (2) cause or result in a violation of part 91 or these rules.
History: 1954 ACS 81, Eff. Jan. 1, 1975; 1979 AC; 1998 MR 7, Eff. July 15, 1998.

R 323:1706 Application for permit.
Rule 1706. (1) A landowner or designated agent shall submit an application for a permit to the appropriate enforcing agency.

(2) A landowner or designated agent shall submit, with the application, a soil erosion and sedimentation control plan and any other document that the appropriate enforcing agency may require.

(3) The county or local enforcing agency shall provide an application requiring state prescribed information to an applicant.

(4) An authorized public agency is exempt from obtaining a permit from a county or local enforcing agency, but shall notify the county or local enforcing agency of each proposed earth change.
History: 1954 ACS 81, Eff. Jan. 1, 1975; 1979 AC; 1998 MR 7, Eff. July 15, 1998.

R 323.1707 Application review and permit procedures.
Rule 1707. (1) A person who is designated by the county or local enforcing agency and who is trained in soil erosion and sedimentation control methods and techniques shall review and approve a soil erosion and sedimentation control plan.

(2) The appropriate enforcing agency shall approve, disapprove, or require modification of an application for an earth change permit within 30 calendar days following receipt of the application. The enforcing agency shall notify an applicant of approval by first-class mail. If an application is disapproved, then the enforcing agency shall advise the applicant by certified mail of its reasons for disapproval and conditions required for approval. The enforcing agency need not notify an applicant of approval or disapproval by mail if the applicant is given written approval or disapproval of the application in person. A permit given to the applicant either in person or by first-class mail constitutes approval.

(2) If an earth change is under the jurisdiction of 2 or more local or county enforcing agencies, then the department shall act as the enforcing agency.

(4) A permit that contains state-prescribed information shall be used by each county or local enforcing agency and shall include any additional provisions required by the county or local enforcing agency. The permit shall be available at the site of the earth change for inspection.

(5) Upon a determination that a permit applicant has met all of the requirements of these rules, part 91, and the local ordinance, if applicable, the appropriate enforcing agency shall issue a permit for the proposed earth change.
History: 1954 ACS 81, Eff. Jan. 1. 1975; 1979 AC; 1998 MR 7, Eff. July 15, 1998.

R 323.1708 Soil erosion and sedimentation control procedures and measures generally.
Rule 1708. A person who applies for an earth change permit shall incorporate the soil erosion and sedimentation control procedures and measures prescribed by R 323.1709 and R 323.1710 into the soil erosion and sedimentation control plan and shall apply the procedures and measures to all earth changes identified in the plan, unless the person preparing the plan shows, to the satisfaction of the appropriate enforcing agency, that altering the control procedures or measures or including other control procedures or measures will prevent accelerated soil erosion and sedimentation during the earth change.
History: 1954 ACS 81, Eff. Jan. 1, 1975; 1979 AC; 1998 MR 7, Eff. July 15, 1998.

R 323.1709 Earth change requirements: time; sediment removal; design, installation, and removal of temporary or permanent control measures.
Rule 1709. (1) A person shall design, construct, and complete an earth change in a manner that limits the exposed area of any disturbed land for the shortest possible period of time as determined by the county or local enforcing agency.

(2) A person shall remove sediment caused by accelerated soil erosion from runoff water before it leaves the site of the earth change.

(3) A person shall design a temporary or permanent control measure that is designed and constructed for the conveyance of water around, through, or from the earth change area to limit the water flow to a nonerosive velocity.

(4) A person shall install temporary soil erosion and sedimentation control measures before or upon commencement of the earth change activity and shall maintain the measures on a daily basis. A person shall remove temporary soil erosion and sedimentation control measures after permanent soil erosion measures are in place and the area is stabilized. A person shall stabilize the area with permanent soil erosion control measures under approved standards and specifications as prescribed by R 323.1710.

(5) A person shall complete permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area within 5 calendar days after final grading or the final earth change has been completed. If it is not possible to permanently stabilize a disturbed area after an earth change has been completed or if significant earth change activity ceases, then a person shall maintain temporary soil erosion and sedimentation control measures until permanent soil erosion control measures are in place and the area is stabilized.
History: 1954 ACS 81, Eff. Jan. 1, 1975; 1979 AC: 1998 MR 7, Eff. July 15, 1998.

R 323.1710 Standards and specifications.
Rule 1710. A person shall complete all temporary and permanent erosion and sedimentation control measures according to the approved plan or operating procedures.

(1) A person shall install and maintain control measures in accordance with the standards and specifications of all of the following:

(a) The product manufacturer.

(b) The local conservation district.

(c) The department.

(d) The Michigan department of transportation.

(e) The enforcing agency, if applicable and formally adopted.

(2) If a conflict exists between the standards and specifications, then the enforcing agency or authorized public agency shall determine which specifications are appropriate for the project.
History: 1954 ACS 81, Eff. Jan. 1, 1975; 1979 AC; 1998 MR 7, Eff. July 15, 1998.

R 323.1711 Building permits.
Rule 1711. (1) A local agency or general law township that issues building permits shall notify the county or local enforcing agency immediately upon receipt of an application for a building permit that requires an earth change which disturbs 1 or more acres or which is located within 500 feet of a lake or stream.

(2) A local agency or general law township shall not issue a building permit to a person engaged in an earth change if the change requires a permit under part 91 or these rules until the county or local enforcing agency has issued the required state-prescribed permit for the earth change.
History: 1954 ACS 81, E Jan. 1, 1975; 1979 AC; 1998 MR 7, Eff. July 15, 1998.

R 323.1712 Enforcement.
Rule 1712. The county or local enforcing agency may issue a cease and desist order or revoke a permit upon its finding that there is a violation of part 91, these rules, or an approved local ordinance or a finding that there is a violation of a permit or an approved soil erosion and sedimentation control plan.
History: 1954 ACS 81, Eff. Jan. 1, 1975; 1979 AC; 1998 MR 7, Eff, July 15, 1998.

R 323.1713 Periodic review.
Rule 1713. The department shall conduct an ongoing comprehensive review and evaluation of all soil erosion and sedimentation control programs that operate under part 91 and these rules. The department shall notify county and local enforcing agencies and authorized public agencies as to the acceptability of their soil erosion and sedimentation control programs. The department shall make available a report of its findings of the review and evaluation of all enforcing agencies and authorized public agencies.

History: 1954 ACS 81, Eff. Jan. 1,1975; 1979 AC; 1998 MR 7, Eff. July 15, 1998.

R 323.1714 Availability of documents.

Rule 1714. Copies of the local conservation district standards and specifications for soil erosion and sedimentation control, as referred to in R 323.1710, are available at each local conservation district office at a nominal cost. Copies of the department's standards are available from the surface water quality division's Lansing office. Department of transportation standards are available at the Lansing office for a fee. Information on other standards may be available from product manufacturers and the enforcing agencies.

History: 1954 ACS 81, Eff. Jan. 1, 1975; 1979 AC; 1998 MR 7, Eff. July 15, 1998.

SAGINAW COUNTY
SOIL EROSION AND SEDIMENTATION CONTROL
SUPPLEMENTAL RULES AND CONDITIONS
(Pursuant to Part 91 of Act 451, PA of 1994, as Amended)
Revised December 14, 1999, January 22, 2002, February 25, 2003, November 16, 2010

SECTION I
Application for Soil Erosion and Sedimentation Control (S.E.S.C.) Permit

A. All persons proposing to maintain or undertake an earth change activity that meets any of the following criteria:

1. Disturbs one (1) or more acres of land.

2. Is within 500 feet of a lake, river, or stream.

3. Is less than an acre and was a portion of land currently regulated under the National Pollutant Discharge Elimination system (NPDES), that has changed ownership or type of earth change activity must make application to the Saginaw County Public Works Commissioner for a S.E.S.C. permit. Exemptions are identified in Rule 323.1705 of the Michigan Administrative Code. Item three applies to NPDES permits issued after the adoption of these rules.

B. Application for a S.E.S.C. permit must be made prior to the start of any work including, but not limited to, construction of access roads, driveways, land clearing and grubbing and grading.

C. Application must be made on the prescribed application form, furnished by the Public Works Commissioner, and must be filled out completely. All incomplete application forms are subject to rejection.

D. The following information, plans and documents should accompany the application form:

1. A final design plan or development plan detailing all items of work.

2. A map or site plan, at a scale of not more than 200 feet per inch, showing all predominant land features, and contour intervals, and proximity to lakes or streams.

3. A soils description of the affected areas, to include soil test borings if so requested by the Public Works Commissioner.

4. A legal description of the site indicating legal ownership.

5. A description and location of the physical limits of the proposed earth change.

6. A listed sequence of each proposed earth change and the estimated time required to complete each.

7. A detailed description and design of all soil erosion and sedimentation control measures.

8. A program of maintenance of temporary and permanent soil erosion and sedimentation control measures.

SECTION II
S.E.S.C. Permit

A. S.E.S.C. Permits will be issued to those persons properly filing applications only after all documents and plans have been reviewed, fees paid, and approved by the Public Works Commissioner.

B. S.E.S.C. Permits shall contain limitations and conditions of issuance and shall be prominently displayed on the site at all times.

C. S.E.S.C. Permits shall contain an expiration date prior to which time the applicant must apply for a renewal or extension to all the provisions of these Supplemental Rules and Conditions, if the project is not completed. The expiration date will be established by the Public Works Commissioner to reflect the normal time required to complete the proposed construction or development but, in no case, shall exceed three (3) years.

SECTION III
Fee Schedule

A. All persons filing an application for a S.E.S.C. permit shall submit the appropriate fee as determined by the Saginaw County Board of Commissioners. Fees may be periodically revised as necessary by formal action of the County Board.

B. The fee schedule issued by the Saginaw County Board of Commissioners shall apply to permits issued for a period not exceeding one (1) year. Permits issued for a period of greater than one year but not exceeding two (2) years shall pay a fee equal to one and one-half (1 1/2) times the applicable fee. Permits issued for a period greater than two years but not exceeding three (3) years shall pay a fee equal to twice the applicable fee.

C. All fees are to be payable to the Public Works Commissioner prior to issuance of a S.E.S.C. Permit.

D. The number of site inspections will vary by project. A minimum of two (2) site inspections for each year permitted are required for all permits.

SECTION IV
Bond Requirements

A. Prior to the issuance of a S.E.S.C. Permit, the applicant may be required to post a Surety Bond executed by the owner and corporate surety with authority to do business in this state as a surety. The bond shall be in a form approved by the Public Works Commissioner. Said bond shall be in the amount of the cost of all temporary or permanent soil erosion and sedimentation control measures as estimated by the Public Works Commissioner.

B. In lieu of a Surety Bond, the applicant may file with the Public Works Commissioner, a Cash Bond in the amount equal to that which would be required for a Surety Bond.

SECTION V
Extension of Time

A. Requests for extension of time for S.E.S.C. Permits must be received by the Public Works Commissioner at least ten (10) days prior to the expiration date.

B. Requests for extensions must be in writing and set forth reasons for such requests.

SECTION VI
Violations

A. Whenever, by the provisions of Part 91 of Act 451, PA 1994, as amended, the General Rules or these Supplemental Rules and Conditions, the performance of any act is required or the performance of any act is prohibited, a failure to comply with such provisions shall constitute a violation of the law.

B. All violations shall be corrected within five (5) days following issuance of a written notice to correct. Such notice shall be mailed by certified mail, in the alternative, may be hand delivered to the person charged with said violation. Failure to incorporate corrections shall cause the S.E.S.C. Permit to be voided and shall cause legal action to be initiated.

C. All earth change activities, for which a S.E.S.C. Permit is required, that commence prior to obtaining a permit, may be charged S.E.S.C. Permit fees twice those as defined in Section III of these Supplemental Rules and Conditions.

SECTION VII
Maintenance

All persons carrying out soil erosion and sedimentation control measures under Part 91 of Act 451 of 1994, as amended, the General Rules and these Supplemental Rules and Conditions, and all subsequent owners of properties on which such measures have been installed, shall adequately maintain permanent erosion control measures, devices and plants in effective working conditions.

SECTION VIII
Standards and Specifications

All soil erosion and sedimentation control measures, both temporary and permanent, shall be designed, constructed and maintained in accordance with current standards and specifications. Sources include, but are not limited to: Saginaw Soil Conservation District, Michigan Department of Environmental Quality Guidebook of Best Management Practices for Michigan Watersheds, and Michigan Department of Transportation Soil Erosion and Sedimentation Control Measures, as approved by the Public Works Commissioner.

SECTION IX
Interpretation

The Public Works Commissioner shall have the responsibility to interpret Part 91 of Act 451, PA 1994, as amended, the General Rules and these Supplemental Rules and Conditions as to intent and general purpose and base decisions on said interpretation.

SECTION X
Revisions

The Board of Commissioners may, from time to time, revise these Supplemental Rules and Conditions as deemed necessary for the effective enforcement and administration of Part 91 of the Act 451, PA 1994, as amended, and the General Rules, effective after review and approval from Michigan Department of Environmental Quality.

SECTION XI
Enforcement Assignments

A. The Public Works Commissioner may secure, pursuant to properly executed agreements approved by the Board of Commissioners, services for enforcing the Act, the General Rules and these Supplemental Rules and Conditions, on behalf of the Commissioner, from private contractors or vendors. Enforcement responsibilities that may be included in said agreements are receipt of applications, collection of permit fees, setting and receiving bond amounts and plan appropriate record keeping. All fees charged shall be in accordance with these Supplemental Rules and Conditions and shall be turned over to the Commissioner.

Approved by Saginaw County Board of Commissioners
Todd M. Hare, Chair
Date: February 25, 2003

STATEMENT OF POLICY FOR ENFORCEMENT OF
Part 91 of the Act 451, PA of 1994 AS AMENDED
Revised December 14, 1999, January 22, 2002, and February 25, 2003

The Saginaw County Public Works Commissioner, acting on behalf of the Saginaw County Board of Commissioners, as County Enforcing Agent for Part 91 of Act 451, PA of 1994, as amended, do hereby issue the following statements of policy and interpretation regarding the enforcement of said Part 91. These statements are not intended to be all inclusive but are made in a effort to improve clarity of existing rules and to provide educational information.

1. A one year permit renewal will be required when the excavation, grading, or hauling operations are not yet complete.

2. A four month permit extension may be requested when only minor alterations, final cleanup or reseeding operations remain to be completed.

3. The decision as to whether a permit renewal or an extension is necessary shall be the decision of the County Enforcing Agent.

4. For both a permit renewal and an extension, the bond requirements shall be the same as in the original permit. That is, a Surety Bond for the same amount shall be extended, or in the case of a Cash Bond, the original amount will be retained until completion. No additional bond will be required.

5. It is required that the permit be in the name of the owner of the property.

6. Only two consecutive permit extensions will be granted per project. If the project is not yet complete after the expiration of the second extension, a permit renewal will be required.

7. The application fee is not required for a permit renewal or extension.

8. If the applicant anticipates a project to be longer than three (3) years in duration, he or she should consider separating the project into several distinct phases.

9. For applications received from municipalities, the bond may be waived providing the Saginaw County Public Works Commissioner is named on the Contractor's Performance Bond.

10. The minimum rate for establishment of the bond amount shall be ten (10) times the per acre site inspection fee rate.

11. Minor Use permits will be issued at the discretion of the County Enforcing Agent.

Saginaw County Pubic Works Commissioner
James A. Koski
Date: February 25, 2003

SAGINAW COUNTY
ORDINANCE # 115
MUNICIPAL CIVIL INFRACTIONS

Providing for Municipal Civil Infractions For Certain Ordinance Violations

Adopted: 2/24/04
Amended: 5/18/04
Effective: 5/25/04

SECTION 1. DEFINITIONS.
For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

A. **Act.** MCL 600.101 through 600.9948 (1961 PA 236), as amended.

B. **Authorized County Official.** A police officer or other personnel of the County of Saginaw authorized by this code or any ordinance to issue municipal infraction citations.

C. **Municipal Civil Infraction Action.** A civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

D. **Municipal Civil Infraction Citation.** A written complaint or notice prepared by an authorized County official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

SECTION 2. MUNICIPAL CIVIL INFRACTION ACTIONS; COMMENCEMENT.
A Municipal civil infraction action may be commenced upon the issuance by an authorized County official of a municipal civil infraction citation directing the alleged violator to appear in court.

SECTION 3. MUNICIPAL CIVIL INFRACTION CITATIONS; ISSUANCE AND SERVICE.
Municipal civil infraction citations shall be issued and served by authorized County officials as follows:

A. The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.

B. The place for appearance specified in a citation shall be the District Court for the district, whose jurisdiction encompasses the County of Saginaw.

C. Each citation shall be numbered consecutively and shall be in a form approved by the State Court Administrator. The original citation shall be filed with the District

Court. A copy of the citation shall be retained by the County and issued to the alleged violator as provided by Section 8705 of the Act (MCL 600.8705).

D. A citation for a municipal civil infraction signed by an authorized County official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalty of perjury that the statements above are true to the best of my knowledge, and belief."

E. An authorized County official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.

F. An authorized County official may issue a citation to a person if:

(1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or

(2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney approves in writing the issuance of the citation.

G. Municipal civil infraction citations shall be served by an authorized County official as follows:

(1) Except as provided by subdivision (2), an authorized County official shall personally serve a copy of the citation upon the alleged violator.

(2) If the municipal civil infraction action involves the use or occupancy of land, a building, or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building, or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first class mail to the owner of the land, building, or structure at the owner's last known address.

SECTION 4. ENFORCEMENT AND PENALTIES

A. Unless otherwise established by ordinance or other section under this Ordinance, a schedule of fines for admissions of responsibility by persons served with Municipal Civil Infraction Citations is hereby established. Fines do not include any costs, damages, expenses or other assessments that may be recoverable by law. Fines shall be as follows:

First Offense:	$100.00
Second Offense:	$500.00

Third or Any Subsequent Offense: $2500.00

B. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues, unless otherwise provided.

SECTION 5. EFFECTIVE DATE

The amended Ordinance shall take effect when notice of the adoption is published in a newspaper of general circulation in the County - MCL 46.11(j).

SAGINAW COUNTY
ORDINANCE #116
COSTS OF PROSECUTION REIMBURSEMENT ORDINANCE

Adopted: May 20, 2008
Effective: July 25, 2008

This Ordinance provides for reimbursement to the County of Saginaw for the costs and expenses of the administration of justice and prosecution of crimes by the people who are convicted of violating the law, rather than increasing the tax burden of the people of the County of Saginaw.

The Commissioners of the County of Saginaw Do Ordain:

Section 1: <u>Declaration of Purpose</u>

The County Board of Commissioners acknowledge that the County of Saginaw incurs substantial costs in relation to the administration of justice in the County, including but not limited to the expenses of prosecuting crimes and enforcing laws. These increasing expenses include, but are not limited to, providing the buildings and staff for the administration of justice, prosecuting attorney's office and staff, victims rights division, Sheriff's Department, courtrooms, and related support staff. The County facilities and services are provided for the benefit of all residents and municipalities of the County. In that regard, various laws in the State of Michigan, including but not limited to Michigan Compiled Laws 769.1f, require and/or allow a court to order reimbursement for costs and expenses related to the prosecution of numerous crimes. Allowable expenses include, but are not limited to: salaries or wages, including overtime pay, of law enforcement and prosecution personnel for the time spent relating to the incident, arresting and processing the defendant, investigating the incident and preparing reports, and collecting and analyzing evidence.

Such laws, policies and procedures in the State of Michigan are consistent with that which is the purpose of this Ordinance: To provide reimbursement of expenses incurred by the people of the County of Saginaw for the administration of justice and prosecution of crimes committed by those convicted.

Section 2: <u>Definitions</u>

As used in this Ordinance "County" means the County of Saginaw; otherwise words and phrases shall have the same meanings as defined in the compiled laws of the State of Michigan.

Section 3: <u>Reimbursement for Expenses</u>

A. Any person determined to be responsible by plea or Court determination of any civil infraction within the jurisdiction of the County of Saginaw, other than civil infractions of cities, villages or townships, may as part of the penalty, be responsible for reimbursement of expenses for the administration of justice in the minimum amount of ten dollars ($10.00) U.S. currency, payable upon conviction to the County of Saginaw.

B. Any person convicted by plea or Court determination of any misdemeanor within the jurisdiction of the County of Saginaw, other than misdemeanors of cities, villages or townships, may as part of the sentence, be responsible for reimbursement of expenses for the administration of justice in the minimum

amount of fifty dollars ($50.00) U.S. currency, payable upon conviction to the County of Saginaw.

C. Any person convicted by plea or Court determination of any felony within the jurisdiction of the County of Saginaw may as part of the sentence, be responsible for reimbursement of expenses for the administration of justice in the minimum amount of one hundred dollars ($100.00) U.S. currency, payable upon conviction to the County of Saginaw.

D. In regards to paragraphs A, B, and C above, the Court may order additional amounts of reimbursement based upon cause shown up to the actual amount expended by the County. In determining the amount of reimbursement, the Court shall consider the Defendant's earning ability, financial resources, and any other special circumstances that may have a bearing on the Defendant's ability to pay.

E. If the Defendant/Respondent is placed on probation or paroled, any reimbursement ordered under this section shall be a consideration of the probation or parole.

Section 4: <u>Payments</u>

Payments of reimbursement ordered pursuant to this Ordinance are to be made immediately upon conviction and may be incorporated into the sentence. However, the Court may allow installments and/or payment within a specific period for good cause shown.

Section 5: <u>Enforcement</u>

An Order for reimbursement to the County may be enforced by the Prosecuting Attorney or designated county representative and/or the District Court, Circuit Court or Probate Court, Probation Departments or upon the Court's own motion.

Section 6: <u>Effective Date</u>

This Ordinance shall take effect 60 days after notice of the adoption is published in a newspaper of general circulation in the County of Saginaw.

SAGINAW COUNTY
ORDINANCE #117
ORDINANCE TO LIMIT, BAN AND/OR CONTROL THE USE OF FERTILIZER CONTAINING PHOSPHORUS IN SAGINAW COUNTY

Adopted: April 21, 2009
Effective: August 6, 2009

The Commissioners of the County of Saginaw Do Ordain:

Section 1: Declaration of Purpose

The County Board of Commissioners finds that the rivers, lakes, and streams are natural assets, which enhance the environmental, cultural, recreational and economic resources of the area and contribute to the general health and welfare of the public. The County Board of Commissioners further finds that regulating the amount of nutrients and contaminants, including phosphorus contained in lawn fertilizer, entering the lakes, rivers and streams of Saginaw County will improve and maintain lake and stream water quality by reducing algae blooms and the excess growth and spread of other aquatic plants. The County Board of Commissioners finds that unreasonable adverse effects on the environment of Saginaw County and on the public health of the citizens of Saginaw County and the visitors to Saginaw County will occur unless this Ordinance is adopted to ban and/or control the use of lawn fertilizers containing phosphorus.

Section 2: Authority

This ordinance is adopted under the authority of MCL 46.10b.

Section 3: Definitions

(a) "Agriculture uses" means beekeeping, dairying, egg production, floriculture, fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts, berries, sod farming and vegetable raising.

(b) "Fertilizer" has the meaning in MCL 324.8501(m).

(c) "Lawn Fertilizer" means any fertilizer, whether applied by property owner, renter, or commercial entity, intended for nonagricultural use, such as for lawns, golf courses, parks, and cemeteries. Lawn fertilizer does not include fertilizer products intended primarily for garden or indoor use.

Section 4: Applicability

(a) This Ordinance applies in all areas of Saginaw County.

(b) Townships, cities, and villages wholly or partially in Saginaw County may assume administration and regulation of lawn fertilizer application if they have adopted ordinances that include standards at least as restrictive as those described in Sections 5 through 8.

Section 5: Regulation of the Use and Application of Lawn Fertilizer

(a) No person shall apply any lawn fertilizer within the County of Saginaw that is labeled as containing more than 0% phosphorus, except as provided in Section 6 of this Ordinance.

(b) No lawn fertilizer shall be applied within the County of Saginaw when the ground is frozen.

(c) No person shall apply lawn fertilizer to any impervious surface including but not limited to parking lots, sidewalks, and roadways. In the event that such application occurs, the fertilizer must be immediately removed from the surface and either legally applied to turf or lawn or placed in an appropriate container.

Section 6: Exemptions

The restrictions upon the use of lawn fertilizer under Section 5 of this Ordinance shall not apply to:

(a) Newly established turf or lawn areas during their first growing season.

(b) Turf or lawn areas that soil tests, performed within the past three years by the Michigan State University Extension Service or Other qualified or recognized authority in the area of soil analysis, confirm are below phosphorus levels established by the Michigan State University Extension Service. The lawn fertilizer application shall not contain an amount of phosphorus exceeding the amount and rate of application recommended in the soil test evaluation.

(c) Agricultural uses, vegetable and flower gardens, or application to trees or shrubs.

(d) Yard waste compost, bio-solids or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.

Section 7: Enforcement

This Ordinance will be enforced by the Environmental Health Division of the Saginaw County Health Department.

Section 8: Civil Infraction Penalties; Injunctive Relief

Any person who violates Section 5 in the application of lawn fertilizer at his or her residence shall be subject to a civil infraction penalty of fifty ($50) dollars per violation. Any commercial fertilizer applicator, residential or commercial developer, industrial or commercial owner, or other person who violates Section 5, shall be subject to a civil infraction penalty of $50 for the first violation within a twelve (12) month period, $150.00 for the second violation within a twelve (12) month period, and $300.00 for the third and each subsequent violation within a twelve (12) month period. The repeated use of lawn fertilizer in violation of this Ordinance may also be declared a nuisance, subject to injunctive and other equitable relief in the Circuit Court for the County of Saginaw.

Section 9: Effective Date

This Ordinance shall take effect 60 days after notice of the adoption is published in a newspaper of general circulation in the County of Saginaw.

SAGINAW COUNTY ORDINANCE #118
SAGINAW COUNTY PLANNING COMMISSION
Adopted as Ordinance #2: January 1965
Amended: May 17, 2011

PREAMBLE

AN ORDINANCE amending prior ordinance and resolution creating the Saginaw County Planning Commission, as provided by the Michigan Planning Enabling Act, Public Act 33 of 2008 (hereinafter referred to as "Act"), as amended, being MCL 125.3801, *et seq*. Whereas, the people of Saginaw County did establish a Saginaw County Metropolitan Planning Commission by resolution and ordinance in January 1965, and it is now desired to amend said ordinance and resolution and adopt this ordinance to ensure proper record of the action is created.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE COUNTY OF SAGINAW:

SECTION 1
PURPOSE AND INTENT

1.1 This ordinance is adopted pursuant to the authority granted to the Saginaw County Board of Commissioners under the Act, to establish a planning commission with the powers, duties and limitations provided by the Act and subject to the terms and conditions of this ordinance and any future amendments thereto.

1.2 The purpose of this ordinance is to provide that the Saginaw County Board of Commissioners shall hereby confirm the establishment under the Act of the Saginaw County Planning Commission, formerly established under the County Planning Act, Public Act 282 of 1945; to establish the appointments, terms and membership of the planning commission; to identify the officers and the minimum number of meetings per year of the planning commission; to prescribe the authority, powers and duties of the planning commission; and to designate the planning commission as the Saginaw County Metropolitan Planning Commission.

SECTION 2
ESTABLISHMENT, CREATION AND DESIGNATION

2.1 There is hereby established a county planning commission to be known as the Saginaw County Planning Commission pursuant to the Act.

2.2 The appointments, terms and membership of the Saginaw County Planning Commission, also known as the Saginaw County Metropolitan Planning Commission, at the time of enactment of this ordinance are hereby confirmed and established to be the appointments, terms and membership of the newly established Saginaw County Planning Commission, pursuant to the Act.

2.3 The Saginaw County Planning Commission is hereby designated as the Saginaw County Metropolitan Planning Commission pursuant to the Act, being MCL 125.3837, as amended.

SECTION 3
AUTHORITY

3.1 The Saginaw County Planning Commission (hereinafter "Planning Commission") shall have its powers and duties as set forth in the Act, and as prescribed by this ordinance and any other bylaws, rules, regulations, policies and procedures established under the authority of the Act.

SECTION 4
MEMBERSHIP

4.1 The Chairperson of the Saginaw County Board of Commissioners shall appoint members to the Planning Commission. The Planning Commission shall consist of eleven (11) members.

4.2 Qualifications for membership shall be in accordance with the Act as follows:

4.2.1 Membership shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of Saginaw County, in accordance with the major interests as they exist in Saginaw County, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of Saginaw County to the extent practicable.

4.2.2 Members of the Planning Commission shall be qualified electors of Saginaw County, except that one (1) member may not be a qualified elector of Saginaw County.

4.2.3 Members other than ex-officio members shall be appointed for three (3) year terms. However, of the members of the Planning Commission, other than ex-officio members, first appointed, a number shall be appointed to 1-year or 2-year terms such that, as nearly as possible, the terms of one third (1/3) of all the Planning Commission members will expire each year.

4.2.4 If a vacancy occurs, it shall be filled for the unexpired term in the same manner as provided for an original appointment. A member shall hold office until his or her successor is appointed.

4.2.5 One or more members of the Saginaw County Board of Commissioners may be appointed to the Planning Commission, as ex-officio member(s) with full voting rights. However, not more than one third 1/3 of the members of the Planning Commission may be ex-officio members. Except as provided in this subsection,

an elected officer or employee of Saginaw County is not eligible to be a member of the Planning Commission. The term of ex-officio members shall correspond to their elected term of office.

4.2.6 The Saginaw County Board of Commissioners shall make every reasonable effort to ensure that the membership of the Planning Commission includes a member of a public school board or an administrative employee of a school district included, in whole or in part, within Saginaw County's boundaries.

4.3 This ordinance may impose membership requirements in addition to those set forth in the Act, however, any ordinance requirements inconsistent with the Act shall be null and void.

SECTION 5
REMOVAL FROM OFFICE AND CONFLICT OF INTEREST

5.1 The Saginaw County Board of Commissioners may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this section constitutes malfeasance in office.

SECTION 6
ORGANIZATION AND PROCEDURES

6.1 The Planning Commission shall elect a chairperson and secretary from its members and create and fill other offices as it considers advisable. An ex officio member of the Planning Commission is not eligible to serve as chairperson. The term of each officer shall be one (1) year, with opportunity for reelection as specified in the bylaws.

6.2 The Planning Commission may appoint advisory committees whose members are not members of the Planning Commission.

6.3 The Planning Commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

6.4 The Planning Commission shall make an annual written report to the Saginaw County Board of Commissioners concerning its operations and the status of planning activities, including recommendations regarding actions by the Saginaw County Board of Commissioners related to planning and development.

6.5 The Planning Commission shall hold not less than four (4) regular meetings each year, and by resolution shall determine the time and place of the meetings. Unless the bylaws provide otherwise, a special meeting of the Planning Commission may be called by the chairperson or by two (2) other members, upon written request to the secretary. Unless

the bylaws provide otherwise, the secretary shall send written notice of a special meeting to Planning Commission members not less than forty-eight (48) hours before the meeting.

6.6 The business that a Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.

6.7 A writing prepared, owned, used, in the possession of, or retained by a Planning Commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

6.8 Members of the Planning Commission may be compensated for their services as provided by the Saginaw County Board of Commissioners.

6.9 A Planning Commission may accept gifts for the exercise of its functions pursuant to the Act.

6.10 Saginaw County may employ a planning director and other personnel as it considers necessary, contract for the services of planning and other technicians, and incur other expenses, within a budget authorized by the Saginaw County Board of Commissioners pursuant to the Act.

SECTION 7
DUTIES AND POWERS

7.1 The Planning Commission shall make and approve a master plan as a guide for development within the planning jurisdiction pursuant to the Act.

7.2 The Planning Commission is empowered by other duties and powers as set forth in the Act.

SECTION 8
APPROVAL, RATIFICATION AND RECONFIRMATION

8.1 All official actions taken by the Saginaw County Planning Commission and/or the Saginaw County Metropolitan Planning Commission preceding the Planning Commission created by this ordinance are hereby approved, ratified, and reconfirmed. Any project, review, or process taking place at the effective date of this ordinance shall continue with the Planning Commission created by this ordinance, subject to the requirements of this ordinance and the Act, and shall be deemed a continuation of any previous Saginaw County Planning Commission or Saginaw County Metropolitan Planning Commission. This ordinance shall be in full force and effect from and after its adoption and publication.

SECTION 9
AMENDMENTS TO THE MICHIGAN PLANNING ENABLING ACT

9.1 Any amendments made to the Act shall be declared to automatically control the activities and function of the Planning Commission.

SECTION 10
PRIOR ORDINANCES OR RESOLUTIONS

10.1 All county ordinances and resolutions or a part thereof, insofar as the same may be in conflict herewith, are hereby repealed.

SECTION 11
SEVERABILITY

11.1 If any part of this ordinance shall be determined to be unenforceable by a court of competent jurisdiction, that part shall be deemed to be severed and removed from the body of this ordinance, and the rest shall remain in full force and effect.

SECTION 12
EFFECTIVE DATE

12.1 This ordinance shall be effective on the day when notice of its adoption is published in a newspaper of general circulation in Saginaw County.

SAGINAW COUNTY
ORDINANCE #119
ORDINANCE TO AUTHORIZE AND REGULATE THE OPERATION OF OFF ROAD VEHICLES (ORVs) ON ROADS AND STREETS

Adopted: September 17, 2013
Effective: December 5, 2013

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads and streets in Saginaw County, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 1994 PA 451, as amended, MCL 324.81131.

THE COUNTY OF SAGINAW ORDAINS:

Sec. 1 As used in this ordinance, the following definitions shall apply:

a) "ATV" means a 3-, 4-, or 6-wheeled vehicle designed for off-road use that has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50cc to 1,000cc gasoline engine or an engine of comparable size using other fuels.
b) "County" means the County of Saginaw.
c) "Driver's license" means an operator's or chauffeur's license or permit issued to an individual by the Secretary of State under Chapter III of the Michigan Vehicle Code, 1949 PA 300, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
d) "Local unit of government" means a county, township or municipality.
e) "Low-speed vehicle" means a self-propelled motor vehicle which conforms to the definition of a low-speed vehicle under 49 CFR 571.3(b) and meets the standard for low-speed vehicles under 49 CFR 571.500.
f) "Municipality" means a city or village.
g) "Operate" means to ride in or on and be in actual physical control of the operation of an ORV.
h) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
i) "ORV" or "vehicle" means a motor-driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV or vehicle includes, but is not limited to, a multi-track or multi-wheel drive vehicle, an ATV, a golf cart that satisfies the criteria of an ORV, a motorcycle or related 2-wheel, 3-wheel, 4-wheel, or 6-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive power from a source other than muscle or wind.

(1) ORV or vehicle does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft.

j) "Road" means a county primary road or county local road as described in Section 5 of 1951 PA 51, MCL 247.655.
k) "Road Commission" means the Board of Road Commissioners for the County of Saginaw.
l) "Safety certificate" means a certificate issued pursuant to 1994 PA 451 as amended, MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada."
m) "Street" means a city or village major street or city or village local street as described in Section 9 of 1951 PA 51, MCL 247.659.
n) "Township" means an individual Township within the County of Saginaw.
o) "Township Board" means a Board of Supervisors of any township within the County of Saginaw.
p) "Visual supervision" means the direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

Sec. 2 An ORV may be operated on the far right of the maintained portion of a road or street located within the County.

Sec. 3 This ordinance is not intended to authorize the operation of an ORV on a street or road which is under the jurisdiction of a municipality.

Sec. 4 A Township Board of a Township in the County may adopt an ordinance to close any roads within the boundaries of the Township to the operation of ORVs permitted by the County. The Township Board of a Township in the County may adopt an ordinance authorizing the operation of ORVs pursuant to MCL 324.81131(3).

Sec. 5 The County Road Commission may close no more than 30% of the total linear miles of roads in the County to protect the environment or if the operation of ORVs pose a particular and demonstrable threat to public safety. The Road Commission may not close a municipal street to ORVs opened under Section 6 of this Ordinance.

Sec. 6 The legislative body of a municipality in the County may adopt an ordinance authorizing the operation of ORVs on the maintained portion of one (1) or more streets within the municipality pursuant to MCL 324.81131(5).

Sec. 7 An ORV may not be operated on the road surface, roadway, shoulder or right-of-way of any state or federal highway in the County, except to the extent necessary to cross such roads.

Sec. 8 Any ORV being operated on a road or street in the County pursuant to this Ordinance shall operate at all times in accordance with Sections 324.81101 through 324.81150 of the Michigan Compiled Laws and shall meet the following conditions, as applicable:

a) The ORV is operated at a speed of no more than 25 miles per hour or any applicable lower posted ORV speed limit.
b) The ORV is operated with the flow of traffic and in a manner which does not interfere with traffic on the road or street.
c) The ORV travels in a single file line except when overtaking and passing another ORV.
d) The ORV is not operated when visibility is substantially reduced due to weather conditions unless said ORV is displaying a proper lighted headlight and a proper lighted taillight.
e) The ORV is not operated earlier than 1/2 hour before sunrise or later than 1/2 hour after sunset unless said ORV is displaying a proper lighted headlight and a proper lighted taillight.
f) The ORV is operated displaying a proper lighted headlight and a proper lighted taillight at all hours.
g) The ORV is operated while the operator and each passenger is wearing a crash helmet and protective eyewear approved by the United States Department of Transportation, unless the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt.
h) The ORV has a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
i) The ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
j) The ORV is operated pursuant to the noise emission standards defined by law.

Sec. 9 A child less than 16 years of age shall not operate an ORV on a road or street in the County unless the child is under the direct visual supervision of an adult and the child has in his or her immediate possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

a) A parent or legal guardian of a child not less than 12 years of age shall not permit the child to operate a 4-wheeled ATV on a road or street in the County.
b) A parent or legal guardian of a child less than 16 years of age shall not permit the child to operate a 3-wheeled ATV on a road or street in the County.

Sec. 10 Unless a person possesses a valid Driver's License, a person shall not operate an ORV on a road or street in the County if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three (3) wheels.

Sec. 11 Any person who violates this Ordinance is guilty of a civil infraction and may be ordered to pay a civil fine of not more than $500.00.

Sec. 12 A court may order a person who causes damage to any street, highway, environment, or public property as a result of the operation of an ORV in an area permitted by this Ordinance to pay full restitution for that damage above and beyond the penalties paid for civil fines or civil infraction violations.

Sec. 13 The Treasurer of the local unit of government providing for the operation of ORVs on the roads and streets within its boundaries shall deposit fines collected by that local unit of government under MCL 600.8379 and Section 11 of this Ordinance and damages collected under Section 12 of this Ordinance into a fund to be designated as the "ORV Fund." The legislative body of the local unit of government shall appropriate revenue in the ORV Fund as follows:

a) Fifty (50%) percent to the Board of County Road Commissioners or, in the case of a city or village, to the department responsible for street maintenance in the city or village, for repairing damage to roads or streets and the environment that may have been caused by ORVs and for posting signs indicating ORV speed limits or indicating whether roads or streets are open or closed to the operation of ORVs.
b) Fifty (50%) percent to the County Sheriff.

Sec. 14 Except as otherwise provided by law, neither the County nor the Board of County Road Commissioners has the duty to maintain the roads or streets within the County in a condition that is reasonably safe and convenient for the operation of ORVs and are immune from liability for injuries or damages sustained by any person arising in any way out of the operation or use of an ORV on a road or street within the County.

Sec. 15 This Ordinance becomes effective December 5, 2013.

SAGINAW COUNTY
ORDINANCE #120

EMERGENCY SERVICES COMMUNICATION ORDINANCE TO PROTECT THE HEALTH, SAFETY AND WELL-BEING OF THE CITIZENS OF SAGINAW COUNTY

Adopted: April 19, 2016
Effective: April 26, 2016

Article 1--AUTHORITY

Michigan counties have been delegated the right to adopt ordinances enforcing policy decisions made by their county boards of commissioners on topics over which they have jurisdiction. See MCL §46.11 et seq. In addition, Public Act 32 of 1986, being MCL §484.1101 *et seq*, as amended, ("911 Act") authorizes Saginaw County ("County") to enact an E-911 Service Plan ("Plan") that establishes a Service District ("Service District") in which enhanced 911 ("E 911") is provided. The 911 Act's Section 303 requires that a Plan contain at least the following sections: technical, operational, management and fiscal provisions and considerations that require third party compliance. The Saginaw County Plan also authorizes the Saginaw County Board of Commissioners ("Board") to enact an ordinance to compel third parties to comply with the Plan's technical, operational, management and fiscal provisions and to enforce them.

Article 2--PURPOSE

The purpose of this Emergency Services Communication Ordinance ("Ordinance") is to fulfill the above-described responsibilities of the Board under the 911 Act.

The Board finds that the enactment of this Ordinance is necessary to protect the health, safety and well-being of the citizens of Saginaw County. Specifically, the Board makes the following findings of fact supporting this Ordinance:

2.1 Prevention of false alarms, SWATTING, hacking, signal jamming, and dispatch call jumping is necessary to ensure that emergency services are efficiently delivered to the scene of a true emergency and are not wasted.

2.2 Prevention of unauthorized ambulance service is necessary to the service volume of ambulance runs essential to support the free provision to the County of emergency medical service Secondary Public Safety Answering Point (PSAP) call answering and dispatch services by the County's contractual ambulance provider.

2.3 Compelling all communication services to pay the emergency telephone operational charge is necessary to ensure that critical funding for the County's 911 System is provided.

2.4 Compelling all communication services to direct 911 calls from within the County to the chosen internet services provider will be necessary to facilitate the delivery of NextGEN 911 services.

Article 3--DEFINITIONS

In addition to the adoption of the terms and abbreviations included in the 911 Act and the Plan, which are incorporated herein by reference, the following terms shall have the meanings described in this Section, unless the context specifically indicates a different meaning:

3.1 **911 Authority**. The Saginaw County 911 Authority, which operates the 911 Center and is a legal entity separate from the County, created by the County and local units of government within the County under Michigan's Urban Cooperation Act, Public Act 7 of 1967, as amended, being MCL §124.501 *et seq*.

3.2 **911 Director**. The Director of the Saginaw County 911 Authority.

3.3 **911 Call**. A communication using a landline, cellular, digital or VOIP communications device that requests emergency police, fire or emergency medical services through the 911 Center.

3.4 **911 Center**. The consolidated dispatch center or centers providing primary or secondary PSAP services to the County.

3.5 **911 System**. The technical and operational system created for the delivery of 911 Calls within the County through the Plan.

3.6 **Ambulance Service.** An emergency or nonemergency medical transport services licensed under Public Act 179 of 1990, being MCL §333.20901 *et. seq*.

3.7 **Automatic Call.** An automated telephone, cellular, VOIP or digital 911 communication to the 911 Center without manual direction by an individual.

3.8 **Board**. The Saginaw County Board of Commissioners.

3.9 **County**. Saginaw County.

3.10 **NextGEN**. The delivery of 911 calls from landline, cellular, digital and VOIP communication services to the 911 Center through internet, fiber optic or other digital lines.

3.11 **Ordinance**. Emergency Services Communication Ordinance of Saginaw County.

3.12 **Person**. Any individual, local unit of government, company, corporation, partnership, limited liability company or other legal entity acting within the County.

3.13 **Plan**. The Saginaw County Emergency Telephone Service District Final Plan and its updates or amendments prepared under the requirements of the 911 Act.

3.14 **PSAP**. Defined in the 911 Act as a communications facility operated or answered on a 24-hour basis assigned responsibility by a public agency or county to receive 9-1-1 calls and to dispatch public safety response services, as appropriate, by the direct dispatch method, relay method, or transfer method.

3.15 **Primary PSAP**. The first point of reception by a public safety agency of a 9-1-1 call and serves the jurisdictions in which it is located and other participating jurisdictions, if any.

3.16 **Secondary PSAP**. The second point of reception of a 9-1-1 call, which receives the call by the relay or transfer method and dispatches the emergency service provider.

3.17 **Sheriff**. Includes the elected Sheriff of Saginaw County and any of his or her authorized and sworn deputies.

3.18 **SWATTING**. The act of tricking an emergency service (via such means as hoaxing an emergency services dispatcher) into dispatching an emergency services provider based on the false report of an ongoing critical incident

Article 4--ADMINISTRATION AND ENFORCEMENT

4.1 **Administration**. The Board and 911 Director in accordance with the 911 Act and the Plan shall administer the provisions of this Ordinance.

The Board and/or 911 Director may seek, through the offices of the County Sheriff and Prosecutor, criminal action against any alleged violator of this Ordinance, and/or through the County's civil counsel, a civil injunctive or damage action.

The 911 Director shall have the primary responsibility for the administration and enforcement of this Ordinance; and may recommend to the Board, for its approval, rules and guidelines to assist the Board, 911 Director and/or Sheriff in administering and enforcing this Ordinance.

4.2 **Duties of the Board**:

4.2.1 Oversee the 911 Director's enforcement of the Ordinance.

4.2.2 Approve agreements consistent with the Plan.

4.2.3 Employ attorneys or other enforcement officers to assist the 911 Director in the enforcement of the Plan and Ordinance.

4.3 **Duties of the 911 Director relative to the Ordinance:**

4.3.1 Provide recommendations to the Board.

4.3.2 Complete the activities necessary to implement, administer and enforce the Plan and this Ordinance including but not limited to:

a - Annually evaluate the progress in accomplishing the technical, operational, management and fiscal considerations in the Plan;

b - Develop a data base that accurately reflects emergency service calls and dispatch statistics under the Plan;

c - Work with local units of government and emergency service providers to enhance the emergency services provided under the Plan and throughout the County, including but not limited to the emergency services communication infrastructure;

d - Develop and recommend for Board approval County policies for procurement of additional 911 infrastructure equipment and facilities;

e - Develop and implement public information efforts aimed at individuals, industries, institutions, commercial establishments and other units of government regarding the 911 System within the County;

f - Request the assistance of the Saginaw County Prosecutor, Civil Counsel and/or Saginaw County Sheriff's Department to work with the 911 Director on Ordinance enforcement activities.

g - Request the Sheriff to issue appearance tickets or appearance summons to alleged violators of this Ordinance.

4.5 **ENFORCEMENT**

The 911 Director, under the direction of the Board, shall enforce the provisions of the Plan and this Ordinance and may request assistance from the Saginaw County Sheriff's Department, Saginaw County Prosecutor and/or Saginaw Civil Counsel.

4.5.1 **Investigation.** Within ten days of receipt of a signed, written complaint by the 911 Director alleging a violation of this Ordinance, the Sheriff shall begin an investigation.

4.5.2 **Appearance Ticket**: If the Sheriff determines that there is probable cause that this Ordinance has been violated, the Sheriff is authorized to issue and serve an Appearance Ticket upon a person allegedly violating the Plan or this Ordinance.

4.5.3 **Civil and Criminal Penalties:** Any Person violating any of the provisions of this Ordinance for the first time shall be guilty of a civil infraction, subject to a maximum of a $100 civil fine and to an injunctive order regarding inspection and maintenance. A failure to cure the violation within thirty (30) days after being found liable for a civil infraction shall expose the person to a second infraction of the Ordinance. Any Person charged with violating any of the provisions of this Ordinance for a second time or more, regardless of whether the infraction is due to a failure to cure or is a separate incident, may also be charged with a misdemeanor and, if found guilty, may be subject to a fine of not more than $500.00 or imprisonment in the county jail for a period not to exceed ninety (90) days, or both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate violation of this Ordinance.

In addition to the imposition of the foregoing fines, penalties and other legal and equitable remedies, the court may enjoin the actions that are producing continued violations of this Ordinance.

4.5.4 **Audit and Attestation.** The 911 Director is authorized and empowered by this Ordinance to demand that any communication service provider doing business within Saginaw County sign an affidavit under oath attesting that they have reviewed company records and all customers with addresses in the County have been billed the County's emergency telephone service operational charge and all such revenues, except for legally authorized retentions, have been remitted to the County and/or 911 Authority over a certain period identified by the 911 Director but not more than a year. Any such communication service provider must allow

the 911 Director or an authorized agent access to its records to verify this attestation.

Article 5--911 SYSTEM RESTRICTIONS

5.1 No Person shall install or operate an alarm system that enables or places an Automatic Call.

5.2 No Person shall intentionally place a 911 Call that falsely reports the need for emergency police, fire or medical services.

5.3 No Person shall engage in SWATTING within the County or to a 911 Center.

5.4 No Person shall jam, interfere, or otherwise block or impede the ability of a Person to make a 911 Call.

5.5 No Person shall request, operate or provide ambulance service within the County that has not been approved by the Board through contract or resolution.

5.6 No Person shall operate a communication service within the County without charging and remitting the emergency telephone operational charge approved by the Board to the County or the 911 Authority at the Board's discretion.

5.7 No Person shall operate a communication service within the County without directing all 911 calls from within the County to the internet services provider chosen by the 911 Authority to facilitate the delivery of NextGEN 911 services.

5.8 Any Person who violates one of the above prohibitions shall be subject to the civil and criminal provisions of Art. 4.5.3.

Article 6--SEVERABILITY CLAUSE

The Ordinance and the various articles, sections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, section, clause or work is adjudged unconstitutional or invalid for any reason, by any Court of competent jurisdiction, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the Court to be inoperable.

ORDINANCE ADOPTED: April 19, 2016
ORDINANCE EFFECTIVE: April 26, 2016

Michael J. Hanley, Chairperson,
Saginaw County Board of Commissioners

Susan Kaltenbach, Saginaw County Clerk