



CITY OF AUBURN HILLS
REGULAR CITY COUNCIL MEETING
MINUTES

APRIL 17, 2023

CALL TO ORDER: Mayor McDaniel at 7:00 PM.

LOCATION: Council Chamber, 1827 N. Squirrel Road, Auburn Hills MI

Present: Mayor McDaniel, Council Members Carrier, Cionka, Hawkins, Knight, and Marzolf

Absent: Council Member Verbeke

Also Present: City Manager Tanghe, Assistant City Manager Skopek, City Attorney Beckerleg, City Clerk Pierce, Police Chief Gagnon, Administrative Officer Milks, Asst Director of Recreation & Senior Services Beckett, Community Development Director Cohen, City Planner Keenan, Economic Development Director Carroll, DPW Director Baldante, Mgr of Fleet & Roads Hefner, Management Assistant Hagge, Engineers Juidici & Driesenga

27 Guests

4. APPROVAL OF MINUTES

4a. City Council Regular Meeting Minutes, April 3, 2023.

Moved by Knight, Seconded by Hawkins.

RESOLVED: To approve the City Council Regular Meeting Minutes of April 3, 2023.

VOTE: Yes: Carrier, Cionka, Hawkins, Knight, Marzolf, McDaniel

No: None

Resolution No. 23.04.043

Motion Carried (6 - 0)

5. APPOINTMENTS AND PRESENTATIONS

5a. Presentation recognizing Craig Capen's years of service on the Auburn Hills Brownfield Redevelopment Authority.

5b. Presentation of the Innovative Programming Award for the Feed Your Soul event from the Michigan Recreation & Park Association, presented by Assistant Director of Recreation & Senior Services Beckett.

6. PUBLIC COMMENT

Michelle Mead of 870 Collier Road shared her concerns regarding speeding and commercial traffic on Collier Road.

7. CONSENT AGENDA

7a. Board and Commission Minutes

7a1. Zoning Board of Appeals, February 9, 2023

7a2. Brownfield Redevelopment Authority, March 28, 2023

7a3. Planning Commission, April 5, 2023

RESOLVED: To receive and file the Board and Commission Minutes.

7b. Motion – To approve a change order to the professional services agreement with Rich & Associates to conduct a downtown parking study.

RESOLVED: To approve a change order to the existing professional services agreement with Rich & Associates to conduct a downtown parking study.

7c. Motion – To adopt a Resolution in support of pension funding for communities that followed best practices.

RESOLVED: To adopt the attached resolution titled: REQUEST THAT LEGISLATURE/GOVERNOR INCLUDE FUNDING IN THE 2023 BUDGET FOR COMMUNITIES FOLLOWING PENSION BEST PRACTICES ESTABLISHED BY THE STATE; and direct the City Clerk to immediately mail certified copies of the Resolution to Senator Moss, State Representatives Steele and Carter, and Governor Whitmer. (Attachment A)

Moved by Carrier, Seconded by Cionka.

RESOLVED: To approve the Consent Agenda.

VOTE: Yes: Carrier, Cionka, Hawkins, Knight, Marzolf, McDaniel

No: None

Resolution No. 23.04.044

Motion Carried (6 - 0)

8. UNFINISHED BUSINESS

9. NEW BUSINESS

9a. Public Hearing/Motion – To adopt an ordinance to amend Chapter 74 to repeal existing Article I – Stormwater Discharge and to adopt a new Article I – Stormwater Management, to comply with EGLE’s Municipal Separate Storm Sewer System permit requirements on Second Reading.

Mr. Keenan presented the amendment and explained that this is to better comply with the EGLE Municipal Separate Storm Sewer System (MS4) permits requirements.

Mayor McDaniel opened the Public Hearing at 7:15 PM.

Hearing no public comment, the Mayor closed the Public Hearing at 7:15 PM.

Moved by Carrier, Seconded by Cionka.

RESOLVED: To adopt the Ordinance to amend Chapter 74 – Utilities of the Auburn Hills Code of Ordinances, as amended, to repeal existing Article I – Stormwater Discharge and adopt a new Article I – Stormwater Management, to comply with EGLE’s Municipal Separate Storm Sewer System permit requirements on Second Reading. The Ordinance shall be known as Ordinance No. 23-935. (Attachment B)

VOTE: Yes: Carrier, Cionka, Hawkins, Knight, Marzolf, McDaniel

No: None

Resolution No. 23.04.045

Motion Carried (6 - 0)

9b. Motion – To approve the Site Plan and Tree Removal Permit / Atlantic Boulevard - Light Industrial Speculative Building.

Mr. Keenan presented the request from Mancini Holdings, LLC to construct a 55,422 square foot Light Industrial building on the south side of Atlantic Boulevard just west of Giddings Road.

Mr. Edward Mancini, of Mancini Holdings LLC and his team were present.

Moved by Cionka, Seconded by Hawkins.

RESOLVED: To accept the Planning Commission’s recommendation and approve the Site Plan and Tree Removal Permit for Mancini Holdings, LLC to construct a light industrial speculative building subject to the conditions of the City’s Administrative Review Team.

VOTE: Yes: Carrier, Cionka, Hawkins, Knight, Marzolf, McDaniel

No: None

Resolution No. 23.04.046

Motion Carried (6 - 0)

9c. Motion – To approve the Special Land Use Permit, Site Plan, and Tree Removal Permit / Magna Seating.

Mr. Cohen presented the request from General Development Company for approval to construct a 280,000-square-foot light industrial building for Magna Seating of America on a 40.8-acre site located at 1700 Brown Road. The Special Land Use was asked by the developer for permission to store up to 25 semi-trailers in a location that is hidden from view to support the business structure of the company.

Mr. Ethan Wiseman of General Development and Shameeka Ward of Magna International were present.

Mr. Marzolf shared that he feels this is a great reuse of the property.

Moved by Hawkins, Seconded by Marzolf.

RESOLVED: To approve the Special Land Use Permit, Site Plan, and Tree Removal Permit for Magna Seating subject to the conditions of the City’s Administrative Review Team.

VOTE: Yes: Carrier, Cionka, Hawkins, Knight, Marzolf, McDaniel

No: None

Resolution No. 23.04.047

Motion Carried (6 - 0)

9d. Motion – To approve the 2023 Paving Program (Canadian Streets & Paramount Estates) Bid Award, Construction Engineering/Observation and Contract Administration Services to OHM Advisors, and Material Testing Services to G2 Consulting.

Mayor McDaniel shared that this project is being funded by the road millage that was passed by the residents in August 2020. He thanked the residents for their support and their ongoing investment within the City’s infrastructure.

Mr. Hefner presented the 2023 paving plan and provided details regarding which streets would be paved as well as construction and financial details.

Moved by Carrier, Seconded by Cionka.

RESOLVED: To award the 2023 Paving Program (Canadian Streets and Paramount Estates) for construction to F. Allied Construction Co. Inc., Construction Engineering/Observation and Contract Administration Services to OHM Advisors, and Material Testing Services to G2 Consulting for an

estimated total cost of \$4,000,854 as well as the necessary budget amendments listed within the staff recommendation section of the memo. (Attachment C)

VOTE: Yes: Carrier, Cionka, Hawkins, Knight, Marzolf, McDaniel
No: None

Resolution No. 23.04.048

Motion Carried (6 - 0)

10. COMMENTS AND MOTIONS FROM COUNCIL

Mr. Carrier – He shared information regarding the Senior Expo that is taking place at Great Lakes Crossings and that the community food drive would be taking place through April 29, 2023.

Mayor McDaniel – He recognized County Commissioner Brendan Johnson.

11. CITY ATTORNEY REPORT

12. CITY MANAGER REPORT

13. CLOSED SESSION

13a. Closed session to discuss labor negotiations/potential Collective Bargaining Agreement.

Moved by Hawkins, Seconded by Carrier.

RESOLVED: To meet in closed session to discuss labor negotiations pursuant to MCL 15.268(8)(c) of the Open Meetings Act.

VOTE: Yes: Carrier, Cionka, Hawkins, Knight, Marzolf, McDaniel
No: None

Resolution No. 23.04.049

Motion Carried (6 - 0)

City Council recessed to Closed Session at 7:32 PM.
City Council reconvened in Open Session at 8:39 PM.

Moved by Carrier, Seconded by Knight.

RESOLVED: To ratify the Patrol Unit Collective Bargaining Agreement for the contract period of January 1, 2024 through 11:59 PM on December 31, 2027, with the terms and conditions as presented by the City Manager; and to authorize the Mayor, City Clerk, and City Manager to execute the Agreement on behalf of the City.

VOTE: Yes: Carrier, Cionka, Hawkins, Knight, Marzolf, McDaniel
No: None

Resolution No. 23.04.049

Motion Carried (6 - 0)

14. ADJOURNMENT

Hearing no objections, the Mayor adjourned the meeting at 8:40 PM.

ATTACHMENT A



CITY OF AUBURN HILLS

1827 N. SQUIRREL ROAD
AUBURN HILLS, MI 48326
248.370.9402
WWW.AUBURNHILLS.ORG

RESOLUTION 2023-_____
REQUEST THAT LEGISLATURE/GOVERNOR INCLUDE FUNDING IN THE 2023 BUDGET
FOR COMMUNITIES FOLLOWING PENSION BEST PRACTICES ESTABLISHED BY THE STATE

The following resolution was offered by Councilmember _____, seconded by Councilmember _____, at a regular meeting of the Auburn Hills City Council conducted Monday, April 17, 2023 at the Auburn Hills City Hall, 1827 North Squirrel Road, Auburn Hills, MI 48326:

- WHEREAS, the City of Auburn Hills has taken financially difficult steps to stabilize its pension program and get its pension costs and liabilities under control; and*
- WHEREAS these steps followed best practices established by the State of Michigan and kept the City of Auburn Hills operationally viable in the face of enormous financial pressure; and*
- WHEREAS, HB 5054 of 2022 would have divided \$250 million between the City of Auburn Hills, and other communities like it, that made the tough decisions and followed those best practices; and*
- WHEREAS, the City of Auburn Hills and others like it are ineligible for \$750 million in pension relief allocated by the State in 2022 despite experiencing the same pension-related financial stresses as those who will receive that relief; and*
- WHEREAS, these stresses have been amplified by market losses in 2022 and a volatile market in 2023; and*
- WHEREAS, this \$250 million would have immeasurable impact on our ability to address our pension liabilities, maintain employment levels, and provide the services our taxpayers depend upon; and*
- WHEREAS, both the \$750 million allocated and the \$250 million requested here had broad, bipartisan support in the House a year ago; and*
- WHEREAS, HB 5054 created an equitable balance between those with pensions the House considered substantially underfunded and those who had followed best practices to achieve a higher funding ratio; and*
- WHEREAS, unallocated revenues are available to the State in 2023 to again make this pension assistance equitable by helping those communities struggling with pension costs, but ineligible for the \$750 million;*

THEREFORE BE IT RESOLVED THAT, the City of Auburn Hills asks the State of Michigan Legislature and Governor's Office to revisit HB 5054; and

BE IT FURTHER RESOLVED, that the Legislature and Governor give bipartisan support to the inclusion of the \$250 million in the 2023 State budget to be divided between communities including the City of Auburn Hills that meet the best practices required in that Bill.

AYES:
NAYES:
ABSENT:
ABSTENTIONS:

RESOLUTION DECLARED _____

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

I, Laura M. Pierce, the duly qualified and appointed City Clerk of the City of Auburn Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted at a regular meeting of the Auburn Hills City Council held on the 17th day of April, 2023, the original of which is on file in my office.

In witness whereof, I have hereunto affixed my official signature on this ____ day of _____, 2023.

Laura M. Pierce
City Clerk

ATTACHMENT B

**CITY OF AUBURN HILLS
COUNTY OF OAKLAND
STATE OF MICHIGAN
ORDINANCE NO. 23-935**

AN ORDINANCE TO AMEND CHAPTER 74-UTILITIES OF THE AUBURN HILLS CODE OF ORDINANCES, AS AMENDED, TO REPEAL EXISTING ARTICLE I – STORMWATER DISCHARGE AND ADOPT A NEW ARTICLE I – STORMWATER MANAGEMENT, TO COMPLY WITH EGLE’S MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT REQUIREMENTS

The City of Auburn Hills Ordains:

Chapter 74 - Utilities of the Auburn Hills City Code of ordinances, as amended, is amended by repealing existing Article I, Stormwater Discharge, and adopting a new Article I, Stormwater Management, Division 1 – General, Division 2 – Illicit Discharges into the Storm Drain System and Waters of the State, and Division 3 - Illicit Discharges into the Sewage Disposal System to read as follows:

CHAPTER 74 – UTILITIES

ARTICLE I. – STORMWATER MANAGEMENT

DIVISION 1. - GENERALLY

Sec. 74-1. - Purposes.

The purposes of this division shall be:

- (a) To protect public health, safety, and welfare by requiring stormwater management whenever new, expanded or modified developments are proposed.
- (b) To assure that stormwater management runoff from development is controlled so that the water quality in watercourses, groundwater recharged by stormwater and habitat situated in areas impacted by stormwater, including, without limitation, watercourses and wetlands, are protected, and that situation and pollution are minimized.
- (c) To provide for cost-effective and functionally-effective stormwater management, and to reduce the need for future remedial projects.
- (d) To prevent soil erosion and sedimentation.
- (e) To recognize private responsibility to incorporate stormwater management systems into the early stages of site planning and design.
- (f) To ensure that all stormwater conveyance and detention facilities will be properly designed and maintained.

- (g) To promote the avoidance of degradation of water resources by reducing and/or avoiding impacts on the hydrology of stormwater runoff.
- (h) To establish regulations to prevent harmful effects of changes in the quantity and quality of surface water discharge into wetlands and water bodies that are in the City of Auburn Hills, in whole or part.
- (i) Recognizing that significant adverse surface and/or groundwater impacts may result from development, it is the intent of this division to require development design and control mechanisms to ensure that stormwater runoff does not result in a short-term and/or long-term threat to the public health, safety and welfare in the City of Auburn Hills, and in downstream areas.
- (j) To achieve compliance with state and federal laws and regulations relating to water quality and stormwater management.

Sec. 74-2. - Applicability.

- (a) Except for those activities expressly exempted by Section 74-3 of this Code, every new development (as defined in this division) or redevelopment in the City of Auburn Hills subject to site plan review requirements shall have a stormwater management plan.
- (b) This division shall also apply to any construction activity that is not subject to Subsection (a) of this section, but may create a condition that would result in runoff that would:
 - (1) Exceed the safe capacity of the receiving public sewer or body of water as determined by the city;
 - (2) Cause undue channel erosion;
 - (3) Increase water pollution by scouring or transport of particulate matter;
 - (4) Endanger property; or
 - (5) Endanger public safety.

Sec. 74-3. – Exempt activities.

- (a) Notwithstanding the requirements of Section 74-2, a stormwater management plan is not required for activities commonly associated with farming, horticulture and silviculture including plowing, irrigation, irrigation ditching, seeding, cultivating, minor drainage, harvesting for the production of food, fiber and forest products, provided, however, such activities must be bona fide commercial enterprises, being undertaken without the expectation of being converted to some other use within the foreseeable future.
- (b) Routine single-family residential landscaping and/or gardening which conforms with the stormwater management plan approved by the city, which does not otherwise materially alter stormwater flow from the property in terms of rate and/or volume.
- (c) Development of one single-family lot, parcel or condominium unit where the city engineer determines that, due to the size of the site, or due to other circumstances, the quantity, quality and/or rate of stormwater leaving the site will not be meaningfully altered.

- (d) Emergency maintenance work performed for the protection of public health and safety. A written description of the scope and extent of any such emergency maintenance work performed shall be submitted to the city within two calendar days following its commencement. If the city finds that the work is not an emergency or if a written description is not timely submitted to the city, then the work shall cease immediately, and the requirements of this division shall be addressed as applicable.

Sec. 74-4. - Definitions.

For the purposes of this division, the following words, terms, and phrases, shall have the meanings ascribed to them in this section:

Applicant means a person or persons acting as owners or operators of a regulated construction activity on a development site who is seeking approval of a Stormwater Management Plan under this division.

Authorized enforcement agency means the city engineer and his/her authorized representatives, which shall specifically include all inspectors and code enforcement, and any other individual designated by the Mayor of the City of Auburn Hills to enforce this ordinance. Where applicable the terms may also mean the director of the Michigan Department of Environment, Great Lakes and Energy, or his/her designated official, and/or the United States EPA Administrator or his/her designated official.

Buffer strip means a zone that is used for filtering direct stormwater and stormwater runoff into a stormwater control measure, or watercourse and for providing maintenance access to a stormwater control measure.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

City means the City of Auburn Hills.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Common Plan of development means a regulated construction activity, that is completed in phases or stages which such phases or stages share:

- (a) One or more common city permit(s) related to the regulation of land use, the discharge of wastewater or a discharge to surface waters or groundwater, or
- (b) Common infrastructure such as, but not limited to, roadway access or utilities.

Construction activity means a human made activity, including but not limited to, clearing, grading excavating, construction, and paving, that results in a change in the existing cover or topography of land, including any external demolition, modification, alteration of a development site or the footprint of a building, but does not include re-surfacing of an asphalt, concrete or similar parking lot that does not expose the subgrade.

Conveyance means any structure or other means of safely conveying stormwater or stormwater runoff within a stormwater management system, including without limitation, a watercourse, closed conduit, culvert or bridge.

County means the County of Oakland.

Development site means any change in land, buildings, structures and/or vegetative cover that tends to alter stormwater impact.

Disturbance means an area of land subjected to development.

Downspout means an exterior drainage pipe for conveying stormwater from an eaves trough or roof drain.

Downspout extension means an exterior drainage pipe attached to a downspout for the purpose of discharging stormwater at a point distant from the exterior face of a building

Drain means any pipe which carries stormwater in a building drainage system.

Drainage area means the entire upstream land area from which stormwater runoff drains to a particular location, including any off-site drainage area.

Eaves trough means a drain installed to receive water collecting on the surface of a roof and to discharge it into a downspout or leader. An eaves trough may also be known as a roof drain.

Grade means a reference plane representing the average of the finished ground level adjoining a building at all exterior walls. The grade shall be determined as provided in the current building code in effect in the city.

Impervious surface means any surface are that prevents or substantially impedes the entry of water into the soil in the manner that such water entered the soil prior to development, or which causes water to run off the surface in greater quantities at or an increased rate of flow including but not limited to, roofs, parking lots, compacted gravel and dirt, driveways, sidewalks and storage areas.

Infiltration rate means the measure of the speed at which water enters into the soil at the surface.

Operation & Maintenance Plan means a document which outlines the required maintenance activities and measures associated with an approved Stormwater Management Plan.

Regulated area means the portion of the development site used as the basis to determine what performance standards an applicant must meet.

Roof drain means a drain installed to receive water collecting on the surface of a roof and to discharge it into a downspout or leader.

Specified structures means those structures, occupied or unoccupied, which are so constructed as to permit stormwater to enter the city's sanitary sewage system by means of footing drains, weeping tiles, or a similar mechanism.

Stormwater control measure means a structural and non-structural practice and technique that mitigates the adverse impacts caused by land development on water quality and/or water quantity.

Stormwater Management Design Standards means a document or documents promulgated by the city, which may be amended, detailing criteria, standards and procedures that an applicant must follow to comply with this division.

Stormwater Management Plan means a document that identifies all actions to be taken by an applicant related to a regulated construction activity that details how an applicant will comply with the requirements of the standards set forth in this division and the Stormwater Management Design Standards.

MS4 means a municipal separate storm sewer system.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit means a permit issued by United States Environmental Protection Agency (EPA), or by the State of Michigan under authority delegated pursuant to 33 USC § 1342(b) and codified in the Michigan Natural Resources and Environmental Protection Act Protection at MCL 324.101, et seq., that authorizes the discharge of pollutants to waters of the United States or State of Michigan, whether the permit is applicable on an individual, group, or general area-wide basis.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Storm sewer system or storm drainage system means a publicly owned facility by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Sec. 74-5. – Enforcement, responsibility for administration.

This ordinance shall be enforceable by the city engineer, city planner, DPW staff, or other authorized enforcement agency.

Sec. 74-6. – Right of entry.

The city engineer, city planner, DPW staff, or other authorized enforcement agency shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing of suspected non-stormwater discharges in accordance with the provisions of this division. Refusal of reasonable access to the city engineer and/or representatives of the authorized enforcement agency to any part of the premises is a violation of this division.

Sec 74-7. – Stormwater management design standards.

The city shall provide Stormwater Management Design Standards which shall detail procedures, criteria, minimum standards, methods and other technical information that shall be utilized to comply with the provisions of this division.

Sec. 74-8. – Performance standards.

- (a) Stormwater control measures shall not be constructed within any floodplain of a watercourse as defined within the Michigan Coastal Flood Hazard Zones, as defined by the Michigan Department of Environment, Great Lakes and Energy (EGLE) or the Federal Emergency Management Agency (FEMA).
- (b) A buffer strip with a minimum width of 25 feet shall be established and preserved along the edge of any surface water and any regulated wetland as defined by the State of Michigan PART 303. Exemptions may be granted for construction activities that are within 25 feet of a surface water and regulated wetland that remain consistent with the intent of development.
- (c) The city is authorized to require any additional stormwater control measures necessary to control the rate and volume of stormwater runoff discharged from the development site in order to prevent drainage, flooding or water quality impacts upon public or private property.
- (d) Performance standards for separate storm sewer areas within the City of Auburn Hills jurisdiction.
 - (1) Water Quality:
 - a. The water quality volume shall be the 1.3-inch rainfall event.
 - (2) Channel protection:
 - a. Extended detention is required for the site's post-development runoff volume from a 1.9-inch rainfall event.
- (e) Performance standards for local flood control:
 - (1) Stormwater control measures shall be designed to achieve a peak flow rate not to exceed 0.2 cubic feet per second per acre (cfs/acre) for the 100-year, 24-hour from the development site.

Sec. 74-9. – Off-site stormwater management.

- (a) In lieu of on-site stormwater management, the use of off-site stormwater conveyance, infiltration and/or detention areas may be proposed. Off-site stormwater management facilities shall be designed to comply with the requirements specified in the Stormwater Management Design Standards and all other standards provided by this division that are applicable to on-site facilities.
- (b) Off-site stormwater management areas may be shared with other landowners, provided that the terms of the proposal are approved by the city engineer and city attorney. Approval hereunder shall not be granted for off-site stormwater management unless the applicant demonstrates to the city engineer, that the use of off-site stormwater management areas shall protect water quality and natural resources to an equal or greater extent than would be achieved by the use of on-site stormwater management areas.

- (c) Adequate provision and agreements providing for maintenance and inspection of stormwater management facilities shall be made, and the documents recorded instrument, including an access easement, approved by the city.

Sec. 74-10. – Stormwater management plan and operations and maintenance plan required.

- (a) No regulated construction activity may obtain site plan approval until the city has approved a Stormwater Management Plan.
- (b) Prior to the approval of a Stormwater Management Plan, the applicant shall certify to the city that the applicant has met or will meet the requirements of this division and all other city, county, state and federal requirements related to erosion control and sediment prevention, surface water resource prevention, and stormwater management applicable to the regulated construction activity.
- (c) The Stormwater Management Plan shall be developed by a professional engineer or landscape architect properly licensed to practice in the State of Michigan and shall include:
 - (1) The discharge location(s) for all post-construction stormwater runoff which will leave the development site, and the boundaries of the drainage area tributary to each discharge location;
 - (2) The boundaries of the development site, the common plan of development if applicable, and the regulated construction activity, clearly indicating areas of disturbance, the boundaries of any no-build or non-disturbance areas, all points of egress from the development site to a public right-of-way, and all easements and other encumbrances;
 - (3) The required calculations establishing compliance with the post construction stormwater management performance standards as set forth in Section 74-8 of this Code;
 - (4) The design specifications and calculations, construction details, and locations for all proposed stormwater control measures, whether located on the development site or elsewhere.
 - (5) The locations and descriptions of all access drives easements necessary to allow for construction, inspection, operation and maintenance of all proposed stormwater control measures;
 - (6) An Operation and Maintenance Plan containing all required information and schedules as set forth in this Division; and
 - (7) A copy of all applicable state and federal permit applications related to erosion, water resource and stormwater management for the regulated project.
- (d) One copy of the approved Stormwater Management Plan shall be kept on file at the site of the regulated construction activity from the initiation of site preparation until a certificate of occupancy is issued for the development associated with the regulated construction activity.
- (e) The Operation and Maintenance Plan shall be developed by a professional engineer or landscape architect properly licensed to practice in the State of Michigan and shall include maintenance requirements and protocols for each stormwater control measure, including an associated schedule of inspection and maintenance activities, and procedures and checklists for each stormwater control measure consistent with the provisions in the Stormwater Management Design Standards and a signed certification statement accenting responsibility for the operation, maintenance and inspection

of the stormwater control measures.

- (f) A Stormwater Management Plan shall include the preparation and property recording of all easements, deed restrictions, reservation of rights-of-way, or other protective covenants as are required to ensure sufficient access for purposes of maintenance, inspection, operation and repair or replacement of stormwater control measures, and to ensure that any future modification of the site is consistent with the provisions of the approved Stormwater Management Plan, unless amendments or modifications to the Stormwater Management Plan are approved by the city.
- (g) The Stormwater Management Plan and applicable Operation and Maintenance Plan shall be referenced on a final plat site plan or as-built drawing, and shall be recorded with the Oakland County Register of Deeds Office upon final plat approval, and shall be provided to the city within 14 days following receipt of the recorded document.

Sec. 74-11. – Performance bond.

- (a) The city reserves the right to require the applicant to provide a performance bond or other financial guarantee in the amount of the estimated cost of construction of the stormwater control measures and all landscaping associated therewith for a duration of two years after the issuance of the certificate of occupancy to ensure that all stormwater control measures have been established and installed correctly and function as designed and permitted.
- (b) The city shall have the authority to require a performance bond or other financial guarantee of a greater or lesser amount, or duration of time, where such an adjustment is warranted to reflect unique site conditions or to ensure the function and performance of the stormwater control measures in the Stormwater Management Plan.
- (c) A final inspection and approval of the stormwater control measures by the city, or other authorized agent shall be issued before the release of the performance bonds or other financial guarantee.

Sec. 74-12. – Maintenance required.

- (a) Any stormwater control measure installed pursuant to this division shall be operated and maintained in accordance with the requirements of the approved Operations and Maintenance Plan and associated provisions in the Stormwater Management Design Standards.
- (b) No area of land specified or designated to comply with the performance standards in this division shall be altered in a manner which reduces or alters its infiltration rate, unless the city approves an amendment to the previously approved Stormwater Management Plan for the site, showing how the reduced or altered infiltration rate will be offset to maintain compliance with the performance standards specified in this division.

Sec. 74-13. – Transfer of property.

- (a) Prior to the conveyance or transfer of any portion of a development site served by a stormwater control measure(s) pursuant to this division, the applicant shall provide the city with evidence of transfer of the associated Operation and Maintenance Plan.
- (b) The Operation and Maintenance Plan shall be binding on the record owner of the property or properties subject to the Stormwater Management Plan and their owners, heirs and assigns.

Sec. 74-14. – Record drawings and certification.

- (a) Upon final stabilization of the site of a regulated construction activity, the applicant, professional engineer, or landscape architect duly licensed to practice in the State of Michigan and acting on the applicant's behalf, shall conduct a post-construction inspection and shall certify in writing that the completed project is in full compliance with the approved Stormwater Management Plan.
- (b) The Applicant or the Applicant's Designee shall submit as-built record drawings for all stormwater control measures to the city, within 15 days of final stabilization of the site.

Sec. 74-15. – Right of entry for compliance inspections.

The city engineer or other authorized agent may enter a property to inspect stormwater control measures during any phase of construction and operation of approved stormwater control measures when the city or its designee has a reasonable basis to believe that a violation of this division is occurring or has occurred, when necessary for abatement of a public nuisance, and to confirm correction of a violation.

Sec. 74-16. – Periodic self-inspections required.

- (a) Periodic inspections shall be conducted according to the Operation and Maintenance Plan by the applicant or the applicant's successors, heirs or assigns of the stormwater control measure(s) as set forth in the applicable Operations and Maintenance Plan.
- (b) An inspection report, certified by a professional engineer or landscape architect properly licensed to practice in the State of Michigan, shall be provided to the city according to the schedule in the operation and maintenance plan, commencing no more than twelve months after the date of issuance of a certificate of occupancy for the regulated construction activity, and occurring once every three years or stipulated period thereafter.

Sec. 74-17. - Notice.

- (a) If any stormwater control measure is found upon inspection to be arranged, damaged, clogged, or in such disrepair as to impede, obstruct, or hinder the flow of surface water in a manner which conflicts with acceptable engineering practices, or if a planned and permitted stormwater control measure has not been installed per an approved Stormwater Management Plan within 30 days of inspection, the certifying party shall give written notice to the city of the conditions found, the actions necessary to bring conditions into conformance with the approved Operation and Maintenance Plan, and the timeframe for completion.
- (b) If any condition referenced in Subsection (a) of this section, is found by the city upon its own investigation, whether as a result of, or independent of, a period inspection report, the city shall give written notice to the owner of the property of the findings specifying the problem, the actions necessary to bring conditions into conformance and the timeframe for completion, as well as the potential for additional action under civil penalty or other penalty or remedy in Section 74-20 and/or Section 74-21 of this Code.

Sec. 74-18. – Civil penalty.

Whenever the city has reasonable grounds to believe that any person is violating, or has violated, any

requirement of this division, the city may commence a civil action to compel compliance in a court of competent jurisdiction to enjoin said person from discharging, or to obtain appropriate relief to remedy the violations. The city may seek additional legal or equitable relief. The commencement of suit neither constitutes an exclusive election of remedies nor prohibits the city from commencing action in federal court for discharges believed to be in violation of this division, state or federal requirements contained in the Clean Water Act, the City's NPDES permit, or other applicable laws or requirements. In addition, the city may recover the reasonable attorney fees, court costs, court reporters' fees, and other usual expenses related to enforcement activities or litigation against the person found to have violated this division, or the orders, rules, regulations and permits issued hereunder.

Sec. 74-19. - Fines.

All fines, costs, and penalties which are imposed by any court of competent jurisdiction shall be payable to the City of Auburn Hills.

Sec. 74-20. – Additional remedies.

- (a) The city engineer or other authorized agent may refuse to issue a certificate of occupancy for any regulated construction activity on a development site and served by stormwater control measures until such time as the applicant or other responsible person has taken remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (b) The city engineer may suspend or revoke any approvals granted for the development site upon discovery of the failure of the property owner, applicant, or developer to comply with the provisions of this division.
- (c) So long as a violation of this division continues and remains uncorrected, the city, or other authorized agent may withhold, and the city, or other authorized agent may disapprove, any request for permit or site plan approval or authorization provided by this ordinance or the zoning, subdivision, or other building regulations, as appropriate for the land on which the violation occurs.
- (d) The city may institute an action in a court of competent jurisdiction for an injunction and order of abatement to correct a violation of this ordinance. Any person violating this ordinance shall be subject to the full range of equitable remedies provided in the statutes or common law.
- (e) If the violation is deemed dangerous or prejudicial to the public health or public safety, the city may cause the violation to be corrected and the costs to be assessed as a lien against the property.
- (f) By issuance of an order of restoration, the city may require a person who engaged in a regulated construction activity and failed to comply with this division to restore the waters and land affected by such failure so as to minimize the detrimental effects of the resulting pollution. The authority is in addition to any other civil penalty or injunctive relief authorized under this ordinance. If failure to comply is deemed dangerous or prejudicial to the public health or public safety, the city, may institute an action to cause the violation to be corrected and the costs to be assessed as a lien against the property.

Sec. 74-21. – Enforcement.

- (a) Any person found to be in violation of any of the provisions of this division shall be responsible for a municipal civil infraction, punishable by a fine of \$500 and subject to all other penalties allowed by

law for civil infractions.

- (b) In addition to ordering the person determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgement, writ or order necessary to enforce, or enjoin violation of, this division, and require restoration or other appropriate action under the circumstances.
- (c) Continuing offense. Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.
- (d) Remedies not exclusive. In addition to any remedies provided for by city division, any equitable or other remedies available may be sought.
- (e) The judge or magistrate shall also be authorized to impose costs, damages and expenses as provided by law.

DIVISION 2. – ILLICIT DISCHARGES INTO THE STORM DRAIN SYSTEM AND WATERS OF THE STATE

Sec. 74-22. – Purpose.

The purpose of this division is to provide for the health, safety, and general welfare of the citizens of the city through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This division establishes methods for controlling the introduction of pollutants into the municipal storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this division are:

- (a) To regulate the contribution of pollutants to the municipal storm sewer system by stormwater discharges by any user.
- (b) To prohibit illicit connections and discharges to the municipal storm sewer system.
- (c) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this division.

Sec. 74-23. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized enforcement agency means the City of Auburn Hills, through its public works department by its director of public works and his/her authorized representatives, which shall specifically include all inspectors and code enforcement, and any other individual designated by the city manager of the City of Auburn Hills to enforce this division. Where applicable the terms may also mean the director of the Michigan Department of Environment, Great Lakes and Energy (EGLE) or his/her designated official, and/or the United States EPA Administrator or his/her designated official.

Best management practices (BMPs) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other

management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

City means the City of Auburn Hills.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

County means the County of Oakland.

Construction activity means activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of five (5) acres or more requiring an issued permit and small construction activities impacting one (1) to five (5) acres of land deemed to operate under a national permit. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

Hazardous materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal discharge means any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in section 74-27 of this division.

Illicit connections mean either of the following:

- (a) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (b) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial activity means activities subject to NPDES industrial permits as defined in 40 CFR, section 122.26(b)(14).

MS4 means a municipal separate storm sewer system.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit means a permit issued by United States Environmental Protection Agency (EPA), or by the State of Michigan under authority delegated pursuant to 33 USC § 1342(b) and codified in the Michigan Natural Resources and Environmental Protection Act Protection at MCL 324.101 et seq., that authorizes the discharge of pollutants to waters of the United States or State of Michigan, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm sewer system or storm drainage system means a publicly owned facility by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Stormwater pollution prevention plan means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Sec. 74-24. - Applicability.

This division shall apply to all water entering the storm drain system generated on any developed or undeveloped lands unless expressly exempted by an authorized enforcement agency.

Sec. 74-25. - Enforcement, responsibility for administration.

This division shall be enforceable by the city code enforcement officer at the direction of the director of public works or other authorized enforcement agency.

Sec. 74-26. - Minimum standards.

The standards set forth herein and promulgated pursuant to this division are minimum standards; therefore, this division does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Sec. 74-27. - Discharge prohibitions.

- (a) *Prohibition of illegal discharges.* No person shall discharge or cause to be discharged into the storm drain system or watercourses, any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited; however, the following discharges are exempt from prohibition as described:
- (1) The discharges and flows from firefighting activities if they are identified as not being a significant source of pollutants to the waters of the state.
 - (2) Discharges specified in writing by the director of public works as being necessary to protect public health and safety.
 - (3) Dye testing, when there has been verbal notification to the director of public services and state department of environmental quality procedures have been followed.
 - (4) Discharges permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
 - (5) The following discharges or flows if they are identified as not being a significant contributor to violations of water quality standards: water line flushing and discharges from potable water sources; landscape irrigation runoff, lawn watering runoff, and irrigation waters; diverted stream flows and flows from riparian habitats and wetlands; rising groundwaters and springs; uncontaminated groundwater infiltration and seepage; uncontaminated pumped groundwater, except for groundwater cleanups specifically authorized by NPDES permits; foundation drains, water from crawl space pumps, footing drains and basement sump pumps; air conditioning condensation; waters from noncommercial car washing; street wash water; dechlorinated swimming pool water from single-, two- or three-family residences (if dechlorinated – typically less than one PPM chlorine). Other swimming pools shall not be discharged to stormwater or to surface waters of the state without NPDES permit authorization from the EGLE.
- (b) *Prohibition of illicit connections.*
- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
 - (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (3) A person is considered to be in violation of this division if the person connects a line conveying sewage to a storm drain system or MS4, or allows such a connection to continue.
- (c) *Prohibition of direct dumping or disposal of materials into the MS4.*

- (1) The direct dumping of materials or discharges into the MS4 is prohibited except for those illicit discharges identified as not being a significant contributor to violations of water quality standards.

Sec. 74-28. - Right of entry.

The director of public works, DPW staff, city planner, city code enforcement officers, or other authorized enforcement agency shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing of suspected non-stormwater discharges in accordance with the provisions of this division. Refusal of reasonable access to the director of public works, city's code enforcement officer, and/or representatives of the authorized enforcement agency to any part of the premises is a violation of this division.

Sec. 74-29. - Suspension of storm sewer system access.

- (a) *Suspension due to illicit discharges in emergency situations.* The code enforcement officer at the direction of the director of public works, or other authorized enforcement agency may seek immediate injunctive relief to suspend storm sewer system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm sewer system or the waters of the United States or this state. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the storm sewer system or waters of the United States or this state, or to minimize danger to persons.
- (b) *Suspension due to the detection of illicit discharge.* Any person discharging to the storm sewer system in violation of this division may have their storm sewer system access terminated by order of the district court, or other court of competent jurisdiction, if such termination would abate or reduce an illicit discharge. The code enforcement officer or director of public works will notify a violator of the proposed termination of its storm sewer system access. The violator may petition the director of public services for reconsideration and hearing.

Sec. 74-30. - Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city engineer prior to the allowing of discharges to the MS4.

Sec. 74-31. - Monitoring of discharges.

The director of public works has the right to require non-residential dischargers to install monitoring equipment as necessary, in accordance with court order, if a non-stormwater discharge is suspected. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

Sec. 74-32. - Requirements to prevent, control, and reduce stormwater pollutants by the use of best management practices.

The director of public works, director of community development, city planner or other authorized staff will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

Sec. 74-33. - Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the director of public works, building official, and city planner within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

Sec. 74-34. - Enforcement.

- (a) *Notice of violation.* Whenever the director of public services, building official, city planner, code enforcement officer, or their designee determines that a person has violated a prohibition or failed to meet a requirement of this division, the City of Auburn Hills may issue a notice of violation to the responsible person and the owner of the property where the violation is occurring—requiring compliance within a period set forth within the notice. Such notice may require without limitation:
- (1) The performance of monitoring, analyses, and reporting;
 - (2) The elimination of illicit connections or discharges;
 - (3) That violating discharges, practices, or operations shall cease and desist;
 - (4) The abatement or remediation of stormwater pollution or contamination of hazards and the restoration of any affected property; and
 - (5) Payment of a fine to cover administrative and remediation costs; and
 - (6) The implementation of source control or treatment BMPs.

- (b) *Abatement of a violation.* If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall advise that, should the violator fail to remediate or restore within the established deadline, the city may issue a municipal civil infraction citation and may seek an order of the district court, or file a civil suit with a court of competent jurisdiction requiring the restoration to be completed within an established deadline and authorizing the city or its designee to complete the work at the violator's expense.
- (c) *Penalties for violation.* Any person, or anyone acting on behalf of a person violating any of the provisions of this division shall, upon conviction thereof, be subject to a fine of not more than \$500.00 and the costs of prosecution or by imprisonment in the county jail for a period not to exceed 90 days, or by both such fine and imprisonment in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any penalties shall not exempt the offender from compliance with the requirements of this division.

Sec. 74-35. - Cost of the abatement of the violation.

In the event the violator fails to correct the violation as required, and the city undertakes the corrective action in accordance with an order of the district court, or other court of competent jurisdiction, within thirty (30) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The court order may provide that if the amount due is not paid within a timely manner, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Unpaid assessments may be placed on the city's delinquent tax roll and may be collected as unpaid taxes.

Sec. 74-36. - Remedies not exclusive.

The remedies listed in this division are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies, including, but not limited to circuit court actions in law or equity.

DIVISION 3. – ILLICIT DISCHARGES INTO THE SEWAGE DISPOSAL SYSTEM

Sec. 74-37. - Purpose.

It is the purpose of this division to protect public health and safety by evading and preventing pollution through the regulation and control of the disposal of stormwater so as to prevent such water from entering the wastewater collection and treatment system of the city. It is the further purpose of this division to enable the city and the governmental authorities with which it has contracted to provide a public sewage disposal system for properties within the city to comply with the applicable requirements of state and federal laws and the requirements of applicable National Pollutant Discharge Elimination System permits within the Evergreen-Auburn Sewage Disposal System.

Sec. 74-38. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Downspout means an exterior drainage pipe for conveying stormwater from an eaves trough or roof drain.

Downspout extension means an exterior drainage pipe attached to a downspout for the purpose of discharging stormwater at a point distant from the exterior face of a building.

Drain means any pipe which carries stormwater in a building drainage system.

Eaves trough means a drain installed to receive water collecting on the surface of a roof and to discharge it into a downspout or leader. An eaves trough may also be known as a roof drain.

Grade means a reference plane representing the average of the finished ground level adjoining a building at all exterior walls. The grade shall be determined as provided in the current building code in effect in the city.

Roof drain means a drain installed to receive water collecting on the surface of a roof and to discharge it into a downspout or leader.

Specified structures means those structures, occupied or unoccupied, which are so constructed as to permit stormwater to enter the city's sanitary sewage system by means of footing drains, weeping tiles, or a similar mechanism.

Sec. 74-39. - Penalty for violation.

Any person, or anyone acting on behalf of a person violating any of the provisions of this division shall, upon conviction thereof, be subject to a fine of not more than \$500.00 and the costs of prosecution or by imprisonment in the county jail for a period not to exceed 90 days, or by both such fine and imprisonment in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any penalties shall not exempt the offender from compliance with the requirements of this division.

Sec. 74-40. - Stormwater drainage system required.

A stormwater drainage system shall be provided and maintained for the safe and efficient drainage of roofs on all specified structures within the city. As a minimum, such storm drainage system shall consist of eaves troughs and/or roof drains, downspouts, and downspout extensions having a minimum length of five feet measured at grade from an exterior face of a structure on all faces above a basement or undergrade living area.

Sec. 74-41. - Variances.

The variance committee consisting of the DPW director, assistant city manager and one citizen at large, upon an appeal from a property owner, may grant variances from the strict application of the terms of this division in those cases where it determines that due to unique physical circumstances pertaining to the property, the stormwater drainage system required by this division cannot be constructed or would not serve the purpose and intent of this division.

All Sections in CHAPTER 74 – UTILITIES following Section 74-41 shall be renumbered in sequence.

DIVISION 4. – REPEALER

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

DIVISION 5. – SEVERABILITY

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this ordinance, but the remainder of this ordinance shall stand and be in full force and effect.

DIVISION 6. – SAVINGS

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law when they were commenced.

DIVISION 7. – EFFECTIVE DATE

The provisions of this ordinance are hereby ordered to take effect upon publication in the manner prescribed by the Charter of the City of Auburn Hills.

DIVISION 8. – ADOPTION

This ordinance is hereby declared to have been adopted by the City Council of the City of Auburn Hills at a meeting thereof duly called and held on the 17th day of April, 2023, and ordered to be given publication in the manner set forth in this ordinance and as prescribed by the Chapter of the City of Auburn Hills.

AYES: 6 (Carrier, Cionka, Hawkins, Knight, Marzolf, McDaniel)
NAYES: None
ABSENT: 1 (Verbeke)
ABSTENTIONS: None

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified Clerk of the City of Auburn Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 23-935 adopted by the Auburn Hills City Council on the ____ day of _____, 2023, the original of which is in my office.

Laura M Pierce
City Clerk

ATTACHMENT C

STAFF RECOMMENDATION

Staff recommends awarding the 2023 Paving Program (Canadian Streets & Paramount Estates) for construction to F. Allied Construction Co. Inc., Construction Engineering/Observation and Contract Administration Services to OHM Advisors, and Material Testing Services to G2 Consulting for an estimated total cost of \$4,000,854 as well as amending the following budgets:

BUDGET LINE	AMENDMENT
401-901-973.000-21BDCNDIANSB	+ \$924,000.00
401-901-935.000-21BDPARAMNTE	+ \$650,000.00
101-770-972.001-MANITOB_4220	+ \$ <u>39,000.00</u>