

**CHARTER TOWNSHIP OF WHITE LAKE
NOTICE OF ORDINANCE CONSIDERATION**

ORDINANCE NO. 116

SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE

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SOIL EROSION AND SEDIMENTATION CONTROL

Legislative Determination Relative to Soil Erosion.

Consistent with the letter and spirit of Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources Environmental Protection Act, 1994 PA 451, as amended (Part 91), the Township Board hereby finds that excessive quantities of soil are eroding from areas that are undergoing development, such as housing, commercial development and roads. This erosion makes necessary costly repairs to roads, roadside ditches, drainage swales, gullies, and embankments. The resulting sediment clogs storm sewers and ditches, muddies watercourses, and leaves deposits of silt in lakes and reservoirs and is considered a major water pollutant. Sediment is expensive to remove and limits the most beneficial use of the water. Sediment choked streams are unsightly and their reduced channel capacity contributes to flooding and associated damages threatening the public's health and safety. Improper movement or placement and/or extended stockpiling of soils from excavation or land balancing on properly development sites, or during road construction exacerbates this erosion and causes improper drainage resulting in flooding of adjacent properties and/or basements.

Section 1 - Statement of Purpose and Adoption by Reference

The purpose of this Ordinance is to minimize soil erosion and prevent off-site sedimentation from occurring as a result of development and road construction within the Township by requiring proper provisions for water disposal and the protection of soil surfaces, before, during and after construction. Movement, placement, and stockpiling of soils, soil erosion, and sedimentation shall be regulated to protect the public health, safety, and welfare of the residents and property owners of the Township and to prevent flooding and damage to property. The administrative rules promulgated under Part 91, Act 451 are hereby adopted by reference and made part of this Ordinance.

Section 2 - Designation of Municipal Enforcement Agency

The White Lake Township Planning Department shall be the Municipal Enforcement Agent for White Lake Township and shall be responsible for the administration and enforcement of Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources Protection Act, 1994 PA 451, as amended (Part 91), and the rules and regulations promulgated thereunder.

Section 3 - Definitions

ACCELERATED SOIL EROSION means the increased loss of land surface that occurs as a result of human activities.

AUTHORIZED PUBLIC AGENCY (APA) means a state, local, or county agency designated pursuant to Section 9110 of 1994 Public Act 451, to enforce soil erosion and sedimentation control requirements with regard to land uses undertaken by it.

BERM means any earthen structure that is created for the purpose of diverting overland water flow or runoff, is a component of a landscaping plan, or provides privacy by screening, or a combination of the above.

EARTH CHANGE means a man-made change in the natural cover or topography of land, including the movement or placement of soil from excavation, construction or land balancing, and cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state.

EROSION means the process by which the ground surface, or soil moved or placed on the ground surface, is worn by action of wind, water, gravity, or a combination thereof.

EXCAVATION means any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, or relocated, and also included shall be the conditions resulting therefrom.

FLOODPLAIN means the relatively flat area or lowlands adjoining the channel of a watercourse or a body of standing water, which has been or may be covered by a 100-year floodwater.

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 sections 247.183, 247.184, 247.185, 247.186 of the Michigan Compiled Laws.

MOVEMENT OR PLACEMENT means the depositing of any material, particularly soil, which is transported onto a parcel or relocated on a parcel.

NON-EROSIVE VELOCITY means the rate of flow of storm water runoff that does not erode soils, measured in feet per second.

PARCEL means a tract, lot or plot of land, either platted or unplatted.

PERMANENT SOIL EROSION AND SEDIMENTATION CONTROL MEASURES means those control measures which are installed or constructed to control soil erosion and sedimentation and which are maintained after completion of the project, including diversion berms or ditches, basins, grassed waterways or swales, vegetative cover, check dams, retaining walls, etc.

PERMIT means a permit issued to authorize work to be performed under the provisions of this Ordinance.

PERSON means any natural persons, firm, corporation, partnership, or association.

PLANNING DEPARTMENT means the Planning Department of White Lake Township.

RUNOFF means that part of the precipitation that does not percolate into the ground or is not absorbed by vegetation and flows off the land, including run off from snow and ice melt.

SEDIMENT means solid particulate matter, mineral or organic, that has been deposited in or by water, is in suspension in water, is being transported or has been removed from its site of origin by the process of soil erosion.

SEDIMENTATION means the deposition of sediment.

SOIL means topsoil, subsoil, gravel, earth, or any other minerals of a like nature.

SOIL EROSION INSPECTOR means a person retained by the Township who has been certified by the Michigan Department of Environmental Quality in the administration of Part 91 of 1994 Public Act 451, as amended.

SOIL EROSION CONTROL MEASURES means a structure, facility, barrier, berm, vegetative cover, basin, or other installation designed to control accelerated soil erosion.

SOIL EROSION AND SEDIMENTATION CONTROL PLAN means a map and written information for a development or Earth Change that describes the way in which stormwater runoff and soil erosion will be controlled.

STABILIZATION means the proper placing, grading, and covering of soil or rock to ensure their resistance to erosion, sliding, or other earth movement.

STOCKPILING means the temporary storage of materials, particularly soils, on a parcel.

TEMPORARY SOIL EROSION AND SEDIMENTATION CONTROL MEASURE means interim control measures which are installed or constructed for the control of soil erosion and/or sedimentation until permanent soil erosion control is effected and shall include mulching, silt fencing, straw bale berms, filter berms, sediment basins or traps, etc.

TOWNSHIP means the Charter Township of White Lake.

VEGETATIVE COVER means grasses, shrubs, trees, and other vegetation that holds and stabilizes soils.

WETLANDS means land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

Section 4 - General Provisions

- a. It shall be unlawful for any person, owner, or occupant to engage in an earth change activity unless and until the owner or developer of the property shall have applied for and received a Soil Erosion and Sedimentation Control Permit, where applicable.
- b. Applications for Soil Erosion and Sedimentation Control Permits required by this Ordinance shall be submitted to the Township Planning Department on application forms available from the Township at no charge. Incomplete applications will not be accepted for processing.
- c. The application shall include the following information:
 1. Name, address, telephone and facsimile number of the owner of the property;
 2. Name, address, telephone and facsimile number of person who will perform the physical site work on the property;
 3. Name, address, telephone and facsimile number of the architect, engineer, surveyor or person who prepared any of the plans required under this Ordinance;
 4. The legal description of the property affected, including the parcel identification number;
 5. The estimated total cost of the Earth Change work proposed and the cost of the required temporary or permanent soil erosion and sediment control measures, broken into unit prices;
 6. The Soil Erosion and Sedimentation Control Plan required by Section 12 of this Ordinance; and
 7. Any other information the Planning Director believes is required in a particular case to determine whether the requirements of this Ordinance will be met.
- d. This Ordinance shall apply and be in force with regard to all public and private lands within the Township.
- e. An authorized public agency (APA) is exempt from obtaining a Soil Erosion and Sedimentation Control Permit from the Township under this Ordinance; however, an APA is required to notify the Township of each proposed Earth Change to be undertaken before any Earth Change takes place.

Section 5 - Permit Requirements

- a. A landowner or designated agent who contracts for, allows, or engages in an earth change in White Lake Township shall obtain a Soil Erosion and Sedimentation Control Permit from the Planning Department before commencing an earth change which disturbs 1 or more acres of land or is within 500 feet of the waters edge of a lake or stream, unless exempted in Section 6.
- b. An earth change activity that does not require a permit under subsection (a) of this Section is not exempt from enforcement procedures under this Ordinance, if the activity exempted by subsection (a) causes or results in a violation this Ordinance.

Section 6 - Permit Exemptions and Waivers

- a. A permit is not required for any of the following:
 1. Normal road and driveway maintenance procedures such as grading or leveling, that does not increase the width or length of the driveway and that will not contribute sediment to lakes or streams.
 2. 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.
 3. A person engaged in the logging industry, the mining industry, or the plowing and tilling of land for the purpose of crop production or the harvesting of crops is not required to obtain a permit under this ordinance. 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 Ordinance. The exemption from obtaining a permit under this subsection does not include the following:
 - (1) Access roads to and from the site where the active logging or mining is taking place.
 - (2) Ancillary activities associated with logging or mining.
 - (3) The removal of clay, gravel, sand, peat, or topsoil.
 4. This Ordinance 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 MDEQ under Part 631 of 1994 PA 451.
 5. A person is not required to obtain a Soil Erosion and Sedimentation Control Permit 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 under part 615 contains a soil erosion and sedimentation plan that is approved by the MDEQ under Part 615. However, those earth changes shall conform to the same standards as required for a permit under this

Ordinance. This subsection does not apply to a multi-source commercial hazardous waste disposal well as defined in Section 62506a.

- b. The Planning Department may grant a permit waiver for an earth change after receiving a signed affidavit from the landowner stating the earth change will disturb less than 225 square feet and that the earth change will not contribute sediment to lakes and streams.
- c. Exemption provided in this Section shall not be construed as exemption from enforcement procedures under this Ordinance, if the exempted activities cause or result in a violation of this Ordinance.

Section 7 - Right of Entry

Permits are issued on the condition that the soil erosion inspector shall have the right of entry upon the site of an Earth Change activity at all reasonable times to inspect the activity for compliance with the approved plans and permits, and to investigate any complaints about the work.

Section 8 - Denial or Revocation of Permits

Soil Erosion and Sedimentation Control Permits shall not be issued where one or more of the following exists:

1. The proposed Earth Change would cause hazards to the public safety and welfare;
2. The Earth Change as proposed by the applicant will damage any public or private property or interfere with any existing drainage course in such a manner as to cause damage to any adjacent property, or result in the deposition of soil, sediment or debris on any public way or into any waterway, or create an unreasonable hazard to persons or property;
3. The soil erosion permit application is not deemed complete;
4. The land area for which the soil movement or placement is proposed is within a one hundred (100) year floodplain, wetland, watercourse, natural feature, woodland, fringe area, or other regulated area that requires additional permits from other agencies or the Township until these permits are issued by the respective regulatory agency (ies).

Section 9 - Issuance of Stop Work Orders

- a. Upon discovery of violations of a valid permit or other conditions of this Ordinance, the permittee shall be notified, in writing of all violations, corrective actions necessary to obtain compliance, and the deadline for compliance. An order will be filed with all Township departments to cease all further inspections on the property until violations have been corrected.
- b. In cases of serious concern and/or consequence, a Stop-Work Order will be immediately placed on the property, prohibiting all activity on the site except work necessary to correct violations of the permit and this Ordinance.
- c. Inspections made to determine compliance with these written orders will be assessed the same re-inspection fees outlined in the attached fee schedule.

Section 10 - Responsibilities of Permittee

During all development operations the permittee shall be responsible for:

1. The prevention of damage to any public utilities or service within the limits of movement or placement of soil along any routes of travel equipment;
2. The prevention of damage to adjacent property. No person shall cause an earth change activity or the movement or placement of soil so close to the property line of a parcel as to endanger any adjoining public street, sidewalk or any public or private property without protecting such property from soil erosion and sedimentation or other damage which might result;
3. Carrying out the proposed work in accordance with the approved plans and in compliance with all the requirements of the permits and this Ordinance;
4. The prompt removal of all soil, miscellaneous debris, or other materials spilled, applied, dumped or otherwise deposited on public streets, highways, sidewalks, or other thoroughfares during transit to and from the construction site where such spillage constitutes a public nuisance or hazard;
5. Ensuring that any sediment caused by accelerated erosion shall be removed from run-off water before it leaves the site of the earth change activity;
6. Maintenance and clean out of all sediment basins, traps, or other sediment collection facilities as needed to ensure their proper function;

7. Ensuring that a copy of the permit is posted and made available for inspection at the side of an earth change;
8. Installation of temporary soil erosion and sedimentation control measures upon or before the commencement of the earth change activity and maintenance on a daily basis. Removal of temporary soil erosion and sedimentation control measures after permanent soil erosion measures are in place and the area is stabilized. Stabilization of areas with the approved permanent soil erosion controls;
9. Completion of permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area within 5 calendar days after final grading 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 maintenance of temporary soil erosion and sedimentation controls must continue until permanent soil erosion control measures are in place and the area is stabilized.

Section 11 - Soil Erosion Control Requirements

1. Drainage shall be adequately discharged off-site with proper detention.
2. No upstream drainage shall be restricted.
3. The development portion of the site shall be drained of standing water, unless specifically designed for retention and/or detention.

Section 12 - Soil Erosion and Sedimentation Control Plan Specifications

A Soil Erosion and Sedimentation Control Plan shall be prepared by a licensed, registered civil engineer, surveyor, or landscape architect. The Township Planning Department and/or the Township's Consulting Engineer shall determine the sufficiency of the plan. The plan shall be signed and sealed, and shall conform with the following minimum requirements:

1. A scale of one inch equal to fifty feet (1 inch = 50 feet) for property less than three (3) acres and one inch equal to one hundred feet (1 inch = 100 feet) for properties three acres or more in size.
2. The date, scale and a north arrow.
3. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
4. The location of all existing and proposed structures on the subject property and all existing structures within fifty feet of the subject property.

5. The location of all existing and proposed drives, parking areas and easements on the property.
6. A vicinity and site location map at a scale not less than one-inch equal to two thousand feet (1 inch = 2000 feet).
7. Existing and proposed topography at 2-foot contour intervals. Include existing ground elevations on adjacent land as well as existing building, drive and parking lot elevations within fifty feet of the subject property.
8. The name, address and telephone number of the engineer responsible for the preparation of the soil erosion control plan.
9. All required zoning setbacks shown and properly labeled.
10. Locations and descriptions of site soil types.
11. All areas of disturbance shall be delineated on the plan.
12. A description and location of all existing and proposed on-site drainage, including dewatering information and rim elevations.
13. Locations of proposed temporary soil erosion and sedimentation control measures and related removal details in addition to permanent measures and related details.
14. A statement of continued maintenance of all permanent erosion and sediment control facilities including designation of party responsible for maintenance. Those facilities which are to remain after project completion must include a designation of the party responsible to carry out that maintenance.
15. All wetlands, watercourses, 100-year floodplains and all other natural features, including any applicable natural feature setbacks (buffers).
16. General drainage directions indicated with arrows.
17. A timing and sequence of construction schedule indicating dates for the following:

Temporary measures installed
 Gravel entrance installed
 Land clearing
 Detention/retention/sediment basin installation
 Utility installation
 Road construction
 Finish grade and seeding
 Catch basin and stormwater/sedimentation basin clean-out
 Removal of temporary measures

Section 13 - Responsibility to Implement Soil Erosion Control Measures

A person who owns land on which an Earth Change has been made that may result in or contribute to soil erosion or sedimentation shall implement and maintain soil erosion and sedimentation that will effectively reduce soil erosion and sedimentation from land on which the Earth Change has been made.

Section 14 - Notice of Violation

If the Planning Department determines that soil erosion and sedimentation of adjacent properties or waters of the state has or will reasonably occur from land in violation of this Ordinance, it may seek to enforce this Ordinance 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 Ordinance.

Section 15 - Duty to Implement Soil Erosion Controls after Notice

A person who owns land subject to this Ordinance shall implement and maintain soil erosion and sedimentation control measures in conformance with this Ordinance within five (5) days after the notice violation of this Ordinance is given under Section 14.
(Amended 01/21/03 - Effective 02/28/03)

Section 16 - Right of Entry to Construct, Implement and Maintain Soil Erosion Control Measures After Notice

Except as otherwise provided herein, no sooner than five (5) days after notice of violation of this Ordinance has been mailed under Section 14, if the condition of the land, in the opinion of the Township or Planning Department, may result in or contribute to soil erosion and sedimentation of waters of this State, and if soil erosion control measures are not in place, the Township or its designee, may enter upon the land and construct, implement and maintain soil erosion and sedimentation control measures in conformance with this Ordinance. However, the Township may not expend more than \$10,000.00 for the cost of the work, materials, or labor without prior written notice in the notice provided in Section 14 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 work shall not begin until at least ten (10) days after the notice of violation has been mailed. (Amended 01/21/03 - Effective 02/28/03)

Section 17 - Reimbursements for Expenses

1. All expenses incurred by the Township under Section 16 to construct, implement and maintain soil erosion and sedimentation control measures to bring the land in conformance with this Ordinance shall be reimbursed to the Township Treasurer by the person who owns the land. (Amended 01/21/03 - Effective 02/28/03)

2. The Charter Township of White Lake shall have a lien for expenses incurred under Section 16 of bringing the land into conformance with this Ordinance. However, with respect to single or multi-family 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. Act No. 206 of the Public Acts of 1893, being sections 211.1 to 211.157 of the Michigan Compiled Laws. (Amended 01/21/03-Effective 02/28/03)

Section 18 - Violation

(a) It shall be unlawful and a violation of this Ordinance to:

- i. If a permit is required under this Ordinance, to conduct any Earth Change activity in the Township without a permit;
- ii. Conduct any Earth Change in the Township, which violates the terms and conditions of a permit issued by the Township;
- iii. Conduct any Earth Change activity in the Township which causes a significant erosion, hazard, or sediment problem. (Amended 01/21/03 - Effective 02/28/03))
- iv. Continue work after a stop work order is issued.

(b) Injunctive Action. The Township may, as its option, commence an action in the Oakland County Circuit Court, requesting injunctive relief for any violation of this ordinance.

Section 19 - Penalties

Section 19.01 - Violation Deemed Civil Infraction

A violation of the White Lake Township's Soil Erosion and Sedimentation Control Ordinance shall be deemed to be a municipal civil infraction, except as otherwise provided in Part 91, SESC, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 91).

Section 19.02 – Penalties

- A. A person who violates Part 91, Act 451 of 1994, as amended, or this Ordinance, shall be subject to the following fines: (Amended 01/21/03 - Effective 02/28/03)
- i. A person who knowingly makes a false statement in an application for a permit or any Soil Erosion and Sedimentation Control Plan is responsible for the payment of the civil fine of not more than \$10,000.00 for each day of violation, plus costs and sanctions for each offense.

- ii. A person who knowingly violates this Ordinance after receiving a notice of violation under Section 14 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.
 - iii. Other violations of this Ordinance shall be deemed to be municipal civil infractions. For these violations, a person may be ordered to pay a civil fine of not more than \$2,500. (Amended 01/21/03 - Effective 02/28/03)
- B. In addition to ordering the defendant 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 judgment, writ or order necessary to enforce, or enjoin violation of, this ordinance.
- C. Continuing Offense. Each act of violation and 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 in this ordinance, any equitable or other remedies available may be sought.
- E. Judge or Magistrate. The Judge or Magistrate shall also be authorized to impose costs, damages and expenses as provided by law.
- F. Default on Payment of Fines and Costs. A default in the payment of a civil fine, costs, damages or expenses ordered under Subsection A or B or an installment of the fine, costs, damages or expenses as allowed by the court, may be collected by the Township of White Lake by a means authorized for the enforcement of a judgment under Chapters 40 or 60 of the Revised Judicature Act, MCL 600.101, *et. seq.*, MSA 27A.101, *et. seq.*, as amended.
- G. Failure to Comply With Judgment or Order. If a defendant fails to comply with an order or judgment issued pursuant to this section within the time prescribed by the court, the court may proceed under Section I.
- H. Failure to Appear in Court. A defendant who fails to answer a citation or notice to appear in court for a violation of this ordinance is guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500,00), plus costs and/or imprisonment not to exceed ninety (90) days.
- I. Civil Contempt.
 - (1) If a defendant defaults in the payment of a civil fine, costs, damages, expenses, or installment as ordered by the district court, upon motion of the Township of White Lake or upon its own motion, the court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.

- (2) If a corporation or an association is ordered to pay a civil fine, costs, damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.
- (3) Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
- (4) If it appears that the default in the payment of a civil fine, costs, damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment or revoking the fine, costs, damages or expenses.
- (5) The term of imprisonment on civil contempt for nonpayment of a civil fine, costs, damages or expenses shall be specified in the order of commitment and shall not exceed one day for each Thirty Dollars (\$30.00) due. A person committed for nonpayment of a civil fine, costs, damages or expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of Thirty Dollars (\$30.00) per day.
- (6) A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine, costs, damages or expenses shall not be discharged from custody until one of the following occurs:
 - (a) Defendant is credited with an amount due pursuant to Subsection I (5).
 - (b) The amount due is collected through execution of process or otherwise.
 - (c) The amount due is satisfied pursuant to a combination of Subdivisions I (6) (a) and (b).
- (7) The civil contempt shall be purged upon discharge of the defendant pursuant to Subsection I (6).

J. Lien Against Land, Building or Structure.

If a defendant does not pay a civil fine, costs or installment ordered under Subsection A or B within 30 days after the date upon which the payment is due for a violation of this ordinance involving the use or occupation of land, a building or other structure, the Township of White Lake may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fine and costs with the Register of Deeds for Oakland County. The court order shall not be recorded unless a legal description of the property is incorporated in or attached to the court order.

- (1) The lien is effective immediately upon recording of the court order with the Register of Deeds.
- (2) The court order recorded with the Register of Deeds shall constitute the pendency of the lien. In addition, a written notice of lien shall be sent by White Lake Township by first class mail to the owner of record of the land, building, or structure at the owner's last known address.
- (3) The lien may be enforced and discharged by White Lake Township in the manner described by its Charter, by the General Property Tax Act, Act No. 206 of the Public Acts of 1893, being Sections 211.1, 211.157 of the Michigan Compiled Laws, or by an ordinance duly passed by the Township. However, property is not subject to sale under Section 60 of Act No. 206 of the Public Acts of 1893, being Section 211.60 of the Michigan Compiled Laws, for nonpayment of a civil fine or costs or an installment ordered under Subsections A or B unless the property is also subject to sale under Act No. 206 of Public Acts of 1893 for delinquent property taxes.
- (4) A lien created under this section has priority over any other lien unless one or more of the following apply:
 - (a) The other lien is a lien for taxes of special assessments.
 - (b) The other lien is created before the effective date of the amended ordinance that added this section.
 - (c) Federal law provides the other lien has priority.
 - (d) The other lien is recorded before the lien under this section is recorded.
- (5) The Township may institute an action in a court of competent jurisdiction for collection of the fines and costs imposed by a court order for a violation of this ordinance. However, an attempt by the Township to collect the fines or costs does not invalidate or waive the lien upon the land, building, or structure.
- (6) A lien provided for by this subsection shall not continue for a period longer than 5 years after a copy of the court order imposing a fine or cost is recorded unless within that time an action to enforce the lien is commenced.

Section 20 - Severability

If any provision of this Ordinance is declared by a court to be invalid, the invalid provision shall not affect the remaining provisions of the Ordinance that can be given effect without the invalid provision. The validity of the Ordinance as whole or in part shall not be affected, other than the provision invalidated.

Section 21 - Conflict with Existing Ordinances, Laws, or Regulations

If any requirement or condition imposed by any provision of this Ordinance is either more or less restrictive than any comparable requirement or condition imposed by any other provision of this Ordinance or any provision of the White Lake Township Zoning Ordinance, or any provision of any other applicable federal, state, or local law, statute, ordinance, or regulation, that provision, which is more restrictive or imposes a higher standard or requirement, shall govern.

Section 22 - Savings Clause

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or any liability incurred, or any cause or causes of action acquired or existing under any other applicable federal, state, or local laws, statute, or ordinance, nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 23 - Preservation of Nuisance Authority

Nothing stated in this Ordinance shall be construed to limit the power of the Township to order the immediate and complete abatement of any nuisance under any applicable federal, state, or local law, ordinance, or regulation.

Section 24 - Effective Date

This Ordinance shall take effect thirty (30) days following publication in the manner provided by law.

Adopted by the White lake Township Board September 17, 2002.

Amended by the White Lake Township Board January 21, 2003.

Certification by Clerk

I hereby certify that the amendment to Ordinance 116, Soil Erosion & Sedimentation Control Ordinance was duly adopted by the White Lake Township Board at a regular meeting thereof held on the 21st day of January, 2003 and shall become effective thirty days following publication as provided by law.

Carol J. Burkard, Clerk
White Lake Township
Pub. 01/29/03
Eff. 02/28/03