

APPENDIX E  
MONITORING  
&  
ENFORCEMENT  
MECHANISM

## Appendix E: Monitoring & Enforcement Mechanism

### MONITORING AND ENFORCEMENT MECHANISM

#### PREAMBLE

A REGULATION TO PROTECT THE PUBLIC HEALTH AND LAND, AIR, WATER AND OTHER NATURAL RESOURCES OF THE COUNTY; TO SUPPLEMENT PROVISIONS OF PART 115 OF THE MICHIGAN NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT DEALING WITH SOLID WASTE MANAGEMENT AND ITS ADMINISTRATIVE RULES; TO REGULATE AND REQUIRE PERMITS FOR THE COLLECTION AND TRANSPORTATION OF SOLID WASTE; TO PROVIDE AN ENFORCEABLE MECHANISM FOR IMPLEMENTATION OF THE ST. CLAIR COUNTY SOLID WASTE PLAN; TO PRESCRIBE THE POWERS AND DUTIES OF AGENCIES; TO PROVIDE FOR THE COLLECTION AND USE OF DATA AND INFORMATION; AND TO PROVIDE FOR PENALTIES AND REMEDIES.

#### ENACTING CLAUSE

THE ST. CLAIR COUNTY HEALTH DEPARTMENT, UNDER AUTHORITY OF SECTIONS 2441(1) OF ACT 368 OF THE PUBLIC ACTS OF 1978, BEING SECTION 333.2441(1) OF THE MICHIGAN COMPILED LAWS AND THE COUNTY COMMISSIONERS OF ST. CLAIR COUNTY, UNDER AUTHORITY OF PART 115 OF ACT 451 OF PUBLIC ACTS OF 1995, SECTIONS 324.11501, ET SEQ. OF THE MICHIGAN COMPILED LAWS, AND ACT 156 OF THE PUBLIC ACTS OF 1851, SECTION 46.1 ET. SEQ OF THE MICHIGAN COMPILED LAWS, HEREBY ADOPT AND APPROVE THIS ST. CLAIR COUNTY SOLID WASTE REGULATION.

PART 100: SOLID WASTE COLLECTION AND TRANSPORTATION

SECTION 100.1 PURPOSE AND SCOPE

This part establishes procedures and criteria for the issuance of permits by a Designated County Authority consistent with Michigan's Solid Waste Management laws found in NREPA Part 115. This part also establishes the criteria to be applied by Designated County Authorities in their review of activities involving the transportation, storage, or disposal of solid waste within the County, except as may be authorized pursuant to this Regulation, and subject to NREPA Part 115.

(1) No person shall collect or transport solid waste originating in St. Clair County for the purpose of disposal except when authorized pursuant to this Regulation and the St. Clair County Solid Waste Management Plan.

(2) No person shall transport solid waste into the County from another County in Michigan for the purpose of disposal of the material within the County except when expressly authorized by the St. Clair County Solid Waste Management Plan and the Solid Waste Management Plan of the County from which the solid waste originated.

(3) No person shall transport solid waste originating in St. Clair County for disposal in any other County in Michigan except when expressly authorized by the St. Clair County Solid Waste Management Plan and the Solid Waste Management Plan of the County in which disposal is intended.

(4) No person who generates solid waste in St. Clair County shall transport such waste for disposal in another County in Michigan, or expressly contract with another person to transport such waste for disposal in another County in Michigan except when expressly authorized by the St. Clair County Solid Waste Management Plan and the Solid Waste Management Plan of the County in which disposal is intended.

SECTION 100.2 DEFINITIONS.

The words defined in NREPA Part 115 and regulations promulgated pursuant to NREPA 115 shall have the same meaning when used in this Regulation. The following additional terms have the meaning defined herein:

(a) "Designated County Authority" means any person or agency designated by the St. Clair County Board of Commissioners to administer this Regulation in whole or in part, including but not limited to the St. Clair County Health Department, the St. Clair County Sheriff's Department, the St. Clair County Weighmaster, the St. Clair County Emergency Preparedness Coordinator, and the County Administrator/Controller.

(b) "the County" means St. Clair County.

(c) "Law Enforcement Officer" means an officer of the St. Clair County Sheriff's Department or the St. Clair County Weighmaster.

(d) "Regulation" or "this Regulation" means this St. Clair County Ordinance

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adopted by the St. Clair County Board of Commissioners as a Monitoring and Enforcement Mechanism to implement and enforce St. Clair County's Solid Waste Management Plan as updated and adopted pursuant to the provisions of NREPA Part 115.

(e) "NREPA Part 115" means Part 115 of Act 451 of Public Acts of 1995, Michigan Compiled Laws Section 324.11501, et seq., and the regulations promulgated by the Michigan Department of Environmental Quality pursuant to NREPA Part 115 effective April 12, 1999, Michigan Administrative Code R299.4101-R299.4922, which are incorporated by reference as part of this Regulation.

(f) "MDEQ" means the Michigan Department of Environmental Quality.

(g) "MDEQ Solid Waste Management Rules" means the Solid Waste Management Act Administrative Rules promulgated pursuant to NREPA Part 115 effective April 12, 1999 as found in Michigan Administrative Code sections R299.4101-R299.4922.

### SECTION 100.3 SOLID WASTE HAULER PERMITS.

This Section 100.3 provides for the issuance of general, special and interim solid waste hauling permits authorizing the transportation of solid waste subject to the Regulation.

(a) General permits. General permits may be issued for the collection and transportation of non-hazardous solid waste. General permits may be issued on application of an interested person in accordance with the procedures of Part 100 and shall specify an expiration date not to exceed two years from the date of issuance.

(b) Special permits. Special permits may be issued for the collection and transportation of materials which do not require collection and transportation on a continuous basis. Special permits shall specify an expiration date of 30 days from the date of issuance.

(c) Interim permits. Interim permits may be issued as a temporary measure to accommodate a person who has applied for a general permit to collect and transport solid waste when it appears to the County Administrator/Controller that a final decision on that person's permit request will be delayed. Interim permits shall specify an expiration date no later than six months from date of issuance.

### SECTION 100.4 AUTHORITY TO ISSUE PERMITS.

The County Administrator/Controller shall issue, deny, modify, revoke, suspend, impose conditions on, initiate and carry out enforcement activities and take any and all other actions necessary or proper and permitted by this Regulation with respect to general, special, or interim permits. The County Administrator/Controller may suspend or revoke a general, special, or interim permit of a solid waste hauler who violates any provisions of this Regulation.

SECTION 110 APPLICATION FOR A SOLID WASTE  
HAULER PERMIT.

SECTION 110.1 APPLICATIONS FOR PERMITS.

Applications for general, special, and interim permits must be filed with the St. Clair County Administrator/Controller. Application shall be made in writing and shall contain the following:

- (a) The name and address of the applicant as listed in the Michigan Annual Business Report.
- (b) The names and addresses of all officers and directors if the applicant is a corporation (a copy of the current Michigan Annual Report) and all current partners or members if the applicant is a partnership or limited liability company;
- (c) The name of persons collecting and transporting the material;
- (d) A description of the general area to be serviced by the applicant;
- (e) The applicant shall indicate the general description, make, model, year, vehicle identification number (manufacturer serial number) and cubic yard capacity for each motor vehicle to be used by the permittee for the duration of the licensing period for the purpose of transporting solid waste for disposal within the County;
- (f) A physical description of the material to be collected and transported, for example: residential, commercial, construction, hospital, etc.;
- (g) The estimated quantity of material to be collected and transported on an annual basis.

SECTION 110.2 APPLICANT.

The application shall be filed with the County Administrator/Controller by the person or firm collecting, processing or hauling the material proposed to be collected and transported.

SECTION 110.3 PROCESSING FEES.

- (a) A processing fee in an amount established by the County Administrator/Controller and approved by the St. Clair County Board of Commissioners will be charged in connection with each application for a permit for the collection and transportation under this part.
- (b) Notwithstanding any other provision of this Section 110.3, no agency of the County of St. Clair, or any municipality located therein, will be required to pay the processing fee specified in paragraph (a) of this section.

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### SECTION 120 ACTION ON PERMIT APPLICATIONS.

#### SECTION 120.1 GENERAL.

Decisions on issuance, denial, or imposition of conditions on a permit will be made within 30 days from the date a complete application is filed.

### SECTION 130 CRITERIA FOR EVALUATION OF APPLICATIONS.

#### SECTION 130.1 APPLICABILITY.

Section 130 establishes criteria for the issuance of collection and transportation permits.

#### SECTION 130.2 PROHIBITED MATERIALS.

- (a) Materials not classified as solid waste shall not be collected or transported for disposal in St. Clair County unless otherwise authorized by law;
- (b) The collection and transportation of solid waste generated in Michigan outside of St. Clair County not authorized by the St. Clair County Solid Waste Management Plan and the Solid Waste Management Plan of the County in which the solid waste originated is prohibited from being disposed of in the County;
- (c) Solid waste generated within St. Clair County for disposal in another County in Michigan except as may be authorized by the St. Clair County Solid Waste Management Plan and the Solid Waste Management Plan of the County intended to receive such solid waste for disposal.

### SECTION 140 RECORDS AND REPORTS OF SOLID WASTE HAULER.

#### SECTION 140.1 RECORDS OF PERMITTEES.

- (a) Each permittee shall maintain complete records of the following information, which will be available for inspection by a County Law Enforcement Officer;
  - (1) The general physical and/or chemical characteristics of the material authorized to be collected, transported, or disposed pursuant to the permit;
  - (2) Disposal locations for each load;
  - (3) Any other information required as a condition of the permit by the County Administrator/Controller.
  - (4) Information specified in Section 160.5 of this Regulation.
- (b) Each permittee shall keep all load information and customer listings required

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under this part for a period of three (3) years from the date that the solid waste was last collected, transported, or disposed of.

(c) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or otherwise as required by the County Administrator/Controller.

### SECTION 150 NUISANCE.

Solid wastes which may present a public nuisance if improperly collected, transported, and disposed of may only be collected, transported or disposed of under such conditions and in such a manner which will insure that no public nuisance is created.

### SECTION 160 SOLID WASTE TRANSPORT UNIT IDENTIFICATION: LOAD CERTIFICATION.

#### SECTION 160.1 SOLID WASTE HAULER VEHICLE.

A solid waste hauler shall not collect and/or transport solid waste for disposal within the County with a motor vehicle unless:

(a) The vehicle has been properly described in the solid waste hauler permit application under Section 110.1; or

(b) The County Administrator has been provided such information in writing prior to placing the vehicle in service.

#### SECTION 160.2 SOLID WASTE TRANSPORT UNIT IDENTIFICATION.

Every solid waste transporting unit used to collect solid waste within the County or transport solid waste to a disposal area within St. Clair County shall affix the markings "SCC" followed by a space followed by the permit number assigned to the transporter pursuant to Part 110 of this Regulation. The markings required by this section shall meet all of the following requirements:

(a) To be painted on or permanently attached to each side of the solid waste transport unit;

(b) To be plain vertical block characters not less than three inches in height;

(c) To be contrasted with the color of the background and be distinctly visible and legible for the duration of the licensing period;

(d) Have spaces or hyphens that are equal to the width of the letter "S" between the letter and number groupings (example: SCC 000 or SCC-000);

(e) Read from left to right;

(f) Not be obscured or hidden by any part of the solid waste transport unit;

(g) On a solid waste transport unit so designed or configured that a number on the super structure would not be easily visible, the markings may be painted on or attached to removable plates that are firmly and permanently attached to each side of the

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unit.

### SECTION 160.3 NONCOMMERCIAL SMALL QUANTITY EXCEPTION.

A private citizen transporting solid waste to a licensed solid waste disposal area is exempt from the requirements of this part providing:

- (a) The citizen is a natural person, and
- (b) The solid waste material was generated by that person and not collected from other sources, and
- (c) That person does not receive compensation or other remuneration from another person for the transportation or disposal of said solid waste, and
- (d) The amount of solid waste being transported or disposed of does not exceed 10 cubic yards per load or 1000 cubic yards per year.

### SECTION 160.4 PRE-TRANSPORT REQUIREMENT.

A transporter and generator of solid waste shall be responsible for determining that the waste material offered for transportation or disposal complies with all requirements of this Regulation.

### SECTION 160.5 LOAD INFORMATION.

(a) Except as provided in Section 160.3 and Section 160.5 of this Regulation, a solid waste transporter, other than a city owned and operated Department of Public Works within the city limits, transporting solid waste to a disposal area within St. Clair County shall prepare a written record prior to movement of the material from the place of origin. For radio-dispatched trucks, the records required shall be the record of the dispatches. The following information must appear on the face of the record:

- (i) The name and mailing address of the person responsible for the generation of the material.
- (ii) The location where the material was picked up, if different from the preceding paragraph.
- (iii) The name and location of the proposed destination of the material.

(b) A solid waste transporter, other than a city owned and operated Department of Public Works within the city limits, operating a compactor vehicle while engaged in carrying out collection of residential solid waste shall carry within the vehicle a truck route log specifying the street address of each residence serviced by that vehicle. Upon request of a County Law Enforcement Officer to inspect a load, a transporter subject to this section shall identify each customer by street address that provided any portion of the solid waste being transported at the time of the inspection.

SECTION 160.6 ADMINISTRATIVE INSPECTION

(a) A County Law Enforcement Officer may make periodic inspections of solid waste transporting units for the purpose of verifying load information and to determine compliance with requirements of this Regulation and NREPA Part 115.

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

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

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

(e) Whenever refuse in a truck cannot be properly inspected without discharge from the truck, the inspection shall be conducted at a solid waste Type II Landfill.

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

SECTION 160.7 SOLID WASTE TRANSPORTING UNITS OPERATING REQUIREMENT

(a) All solid waste transporting units in the County shall be subject to the Solid Waste Management Act Administrative Rules promulgated pursuant to NREPA Part 115 found in the Michigan Administrative Code at R299.4601 and R299.4602 which are incorporated and made a part of this Regulation.

PART 200: SOLID WASTE DISPOSAL AREA OPERATORS

SECTION 200.1 COUNTY REQUIREMENTS.

The construction, modification, expansion, alteration or reconstruction and operation of a solid waste disposal area shall comply with NREPA Part 115, this Regulation, and applicable provisions of the approved St. Clair County Solid Waste Management Plan.

SECTION 200.2 AUTHORIZED SOLID WASTE HAULER.

A person operating or otherwise in control of a solid waste disposal area within the County shall not accept solid waste for disposal from any person not authorized under Part 100 of this Regulation to collect and transport solid waste within the County.

SECTION 200.3 OPERATING RECORD.

(a) The owner or operator of a solid waste disposal area shall keep written operating records at the facility. Operating records shall consist of the records required by the MDEQ for operation and closure, as well as those records required by this Regulation.

(b) A solid waste disposal area owner or operator must record and maintain the operator records required under this Regulation until closure of the facility, or as otherwise specified in this Regulation.

SECTION 200.4 AVAILABILITY, RETENTION,  
AND DISPOSITION OF RECORDS.

(a) All records, including but not limited to operating records and gate log, required under this part must be furnished upon request, and made available at all reasonable times for inspection, by an officer, employee, or representative of any Designated County Authority.

(b) The retention period for all records required under this Part is extended automatically during the course of any unresolved enforcement action regarding the solid waste disposal area or as requested by the County Administrator .

(c) A copy of records required under this part of this Regulation must be submitted to the County Administrator upon closure of the solid waste disposal area.

SECTION 200.5 GATE LOG.

(a) When a solid waste disposal area receives solid waste, the owner or operator must prepare and maintain permanent bound records having sequentially numbered pages wherein the following information must be recorded by indelible markings:

- (1) The name of all persons making small quantity deliveries exempt from load information requirements by reason of Section 160.3.
- (2) The date any delivery is made.
- (3) The St. Clair County Waste Hauler Permit Identification Number found on all sides of the waste hauling transport unit where applicable.
- (4) Name of person or firm making a delivery.
- (5) Quantity of material.

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- (6) Signature of driver making delivery.
- (7) A general location in the county that waste came from.
- (8) General description of waste, e.g. residential, commercial, construction, etc.

(b) The owner and/or operator of the solid waste disposal area must retain at the disposal area all information required pursuant to Section 200.5(a) above for a period of at least (3) three years from the date the material was accepted for disposal. Logs shall be available for inspection by any designated County Authority.

(c) The above requirements of this Section 200.5 shall not be applicable to any solid waste disposal area owner or operator which has reached an agreement with the St. Clair County Administrator to administer alternative gate log procedures and record keeping acceptable to protect the public health, safety and the environment and are consistent with the St. Clair county Solid Waste Management Plan.

## SECTION 200.6 ADMINISTRATIVE INSPECTION.

(a) The Sheriff's Department and/or St. Clair County Health Department shall make periodic inspections of solid waste disposal areas located within the County for the purpose of verifying that the records required to be maintained under this Regulation for accuracy

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materials for disposal during the reporting period;

- (c) A description and the quantity of solid waste materials received during the report;
- (d) The general location on site where each of the various types of solid waste have been disposed of for the reporting period.

## SECTION 200.8 ADDITIONAL REPORTS.

In addition to submitting other reports required by this Regulation, the owner or operator of the solid waste disposal area must also report:

- (a) Fires at the disposal areas;
- (b) Explosions at the disposal area;
- (c) Other information required by the County Administrator as may be necessary to demonstrate compliance with this Regulation.

## SECTION 210 CRITERIA FOR MANAGEMENT AND OPERATION OF SOLID WASTE DISPOSAL AREAS

### SECTION 210.1 REGULATION OF SOLID WASTE DISPOSAL AREA SITE USE

(a) Solid waste landfills in the County must be operated and maintained in accordance with all applicable provisions of NREPA Part 115 including, but not limited to, the Rules specifically pertaining to landfills found in Part 3 and Part 4 of the MDEQ Solid Waste Management Rules in Michigan Administrative Code sections R299.4301-R299.4319 (pertaining to Type III Landfills) and R299.4401-R299.4454 (pertaining to Type II Landfills).

(b) Solid Waste Transfer Facilities and Processing Plants must be maintained and operated in accordance with all applicable provisions of NREPA Part 115 including, but not limited to, the MDEQ Solid Waste Management Rules in Michigan Administrative Code sections R299.4501-R299.4509.

### SECTION 210.2 SECURITY.

(a) The owner or operator of a solid waste disposal area must prevent an unknowing entry, and minimize the possibility for the unauthorized entry, or persons or livestock onto the active portion of the facility.

(b) The facility must have an artificial or natural barrier (e.g. a fence in good repair or a fence combined with a berm or earthen mound), which completely surrounds the active portion of the facility.

(c) A means to control entry, at all times, through the gates or other entrances to the active portion of the facility (e.g., an attendant, television monitors, locked entrance, or controlled roadway access to the facility),

(d) The premises must be posted with signs legible from a distance of at least 25 feet that indicate that only authorized personnel are allowed to enter the disposal area,

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and that entry onto the disposal area can be dangerous.

### SECTION 210.3 PREPAREDNESS AND PREVENTION.

(a) Facilities must be designed, constructed, maintained and operated to minimize the possibility of fire, explosion or uncontrolled release of solid waste material into the air, soil or surface water which could harm human health or the environment.

(b) The facilities at all solid waste disposal areas must be equipped with the following:

(1) A device, such as a telephone (immediately available at the scene of the operation) of a hand-held two-way radio capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;

(2) Portable fire extinguishers;

(3) Reserved.

(c) The owner or operator of a solid waste disposal area must make the following arrangements as appropriate for the type of solid waste handled at the facility and the potential need for the services of these organizations.

(1) Arrangements which are updated every year to familiarize local police, fire departments and emergency response teams with the layout of the facility properties of the solid waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to the roads inside the facility, and possible evacuation routes;

(2) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority.

### SECTION 210.4 CONTINGENCY PLAN AND EMERGENCY PROCEDURES.

(a) Each owner or operator of a solid waste disposal area must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned release of solid waste material into the air, soil or surface water.

(b) The provisions of the plan must be carried out immediately whenever there is an imminent or actual emergency situation such as flooding caused by torrential rains, fire, explosion, or release of solid waste material which could threaten human health or the environment. Whenever there is an imminent or actual emergency situation, the emergency coordinator must immediately notify local, state, or federal agencies if there is a threat of adverse effect on human health, or the environment, in or around the disposal area.

(c) The contingency plan must describe the actions facility personnel must take

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in response to fires, explosions, or any unplanned release of solid waste material into the air, soil, or surface water in the disposal area.

(d) The plan must list names, addresses, and phone number (office and home) of all persons qualified to act as emergency coordinator (see Section 210.5) and others who are to be notified. The list must be kept up to date.

(e) The plan must include a list of all emergency equipment at the facility.

(f) A copy of the contingency plan must be kept at the disposal area and a copy provided to local police departments, fire departments, and the St. Clair County Emergency Preparedness Coordinator.

### SECTION 210.5 EMERGENCY COORDINATOR.

At all times, there must be at least one employee either on site at the disposal area or on call (i.e., available to respond to an emergency by reaching the disposal area site within a short period of time) with the responsibility for coordinating all emergency measures. This emergency coordinator must be thoroughly familiar with all aspects of the disposal area's contingency plan, all operations and activities at the disposal site, the location and characteristics of various types of solid waste material handled, the location of all records within the facility, and the disposal area layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

## PART 300: DUTY TO PROVIDE ACCURATE INFORMATION TO REGULATORY AGENCY.

### SECTION 300.1 DUTY TO PROVIDE

A person shall not furnish false, forged, fictitious, or intentionally misleading information, in written or verbal form, to a Designated County Authority or a peace officer while administering this Regulation.

## PART 400: ANTI-LITTER REGULATION

### SECTION 400.1 DEFINITIONS.

(a) As used in Section 400, litter shall mean all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris, or other foreign substances of every kind and description. Such material when placed at the curbside where normal collection occurs but for which no such collection has been arranged or authorized shall be deemed litter.

(b) The phrase "public or private property or waters" shall include but shall not be limited to:

- (1) The right-of-way of any road or highway, any body of water or watercourse, or the shores or beaches thereof and including the ice above such waters;
- (2) Any park, playground, buildings, refuge or conservation or recreation

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area; and

- (3) Any residential or farm properties or timberlands.

### SECTION 400.2 RESTRICTIONS ON LITTERING

It is declared unlawful for any person, firm or corporation to knowingly dump, deposit, place, throw, or leave, or cause or permit the dumping, depositing, placing, throwing or leaving of litter, on any public or private property or waters without the permission of the owner, other than the property designated and set aside for such purposes within the County of St. Clair. It is further unlawful for any person, with or without the consent of the owner of the property, to place litter at a curbside for normal refuse collection without having made arrangements with a refuse collection hauler for the collection of the litter.

### SECTION 400.3 REGULATIONS

(a) All public authorities who have supervision of public property of this state or any political subdivision thereof may post notice signs and otherwise to publicize the requirements of this Regulation.

(b) All public authorities who have supervision of public property in this state may establish and maintain receptacles for the deposit of litter on the property and publicize the location thereof.

PART 500: VIOLATION MISDEMEANOR; PENALTY ; CONTINUING VIOLATIONS; ARREST WITHOUT WARRANT; NOTICE TO APPEAR; GUILTY OR NOT GUILTY PLEAS; COSTS; WARRANT FOR ARREST.

### SECTION 500.1 VIOLATION MISDEMEANOR.

A person who violates this Regulation is guilty of a misdemeanor. A person convicted under this Regulation may be punished by a fine of not more than \$1,000.00 and costs of prosecution and in default of payment of any portion of fine and costs, imprisonment for not more than six months. If a violation is of a continuing nature, each day upon which it occurs or continues shall be deemed a separate offense.

### SECTION 500.2 ARREST WITHOUT WARRANT FOR MISDEMEANOR; NOTICE TO APPEAR; GUARANTEED APPEARANCE CERTIFICATE.

(a) When a person is arrested without a warrant for a violation of this Regulation punishable as a misdemeanor, the arresting officer shall prepare, as soon as possible and as completely as possible, an original and 3 copies of a written citation to appear in court containing the name and address of the person, the violation charged, and the time and

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place when and where the person shall appear in court. The officer shall inform the offender of the violation and shall give the second copy of the citation to the alleged offender. If the arrested person demands, he or she shall be taken before a judge or magistrate of the 72nd District Court for the State of Michigan in lieu of being given the citation.

(b) The time specified in the citation to appear shall be within a reasonable time after the arrest.

(c) The place specified in the citation to appear shall be before a court within the county in which the violation charged is alleged to have been committed and who has jurisdiction of the violation.

(d) Appearance may be made in person, by representation, or by mail. When appearance is made by representation or mail, the judge or magistrate may accept the plea of guilty or not guilty for purposes of arraignment, with the same effect as though the person personally, appeared before him or her. The judge or magistrate, by giving 5 days notice of the date of appearance, may require appearance in person at the time and place designated in the citation.

(e) When a person who is not a resident of the state is arrested without warrant for a violation of this act punishable as a misdemeanor, the arresting officer, upon demand of the arrested person, immediately shall take the person before a judge or magistrate of the vicinity to answer to the complaint made against the person. If a judge or magistrate is not available or an immediate trial cannot be had, the person arrested may recognize to the offer for his or her appearance by leaving with the officer a guaranteed appearance certificate or sum of money not to exceed \$500.00 in which case the following provisions apply:

(1) The officer making the arrest shall give a receipt to the person arrested for the guaranteed appearance certificate or the money deposited together with a written citation as provided in subsection (1).

(2) If the offender fails to appear as required in the citation, the guaranteed appearance certificate or deposit shall be forfeited as in other cases of default in bail, in addition to be any penalty provided in this Regulation.

(3) At or before the completion of his or her tour of duty, a police officer taking a certificate or deposit of money shall deliver the certificate or deposit of money either to the judge or magistrate named in the citation together with a report of the facts relating to the arrest, or to the police chief or person authorized by the police chief to receive certificate or the money deposited and citation in the same manner as prescribed for citations in this Regulation. Failure to make a report and deliver the money deposited shall be embezzlement of public money.

(4) "Guaranteed appearance certificate" means a card of certificate containing a printed statement that surety company authorized to do business in this state guarantees the appearance of the person whose signature appears on the card or certificate, and that the company, if the person fails to appear in court at the time of trial or sentencing or to pay any fines or costs imposed pursuant to this act, will pay any fine, costs, or bond forfeiture imposed on the person.

(f) An officer making an arrest under this chapter for a misdemeanor without a

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warrant shall not be entitled to any fees for making the arrest or the issuance of a citation under this section.

### SECTION 500.3 GUILTY OR NOT GUILTY PLEA ON MISDEMEANOR.

When under Section 500.2 an officer issues a citation for a misdemeanor, a judge or magistrate may accept a plea of guilty or not guilty upon the citation, without the necessity of a sworn complaint but the officer shall sign the complaint before the offender pleads not guilty, further proceedings may not be had until a sworn complaint is filed with the judge or magistrate. A warrant for arrest shall not issue for an offense under this act until a sworn complaint is filed with the judge or magistrate.

### SECTION 500.4 COSTS OF COMPELLING APPEARANCE.

In addition to fine assessed for the charge when found guilty, the judge or magistrate may also add to any fine and costs levied additional costs incurred in compelling the appearance of the person, which additional costs shall be returned to the general fund of the unit of government incurring the costs.

### SECTION 500.5 WARRANT FOR ARREST.

This Regulation shall govern all law enforcement officers in making arrests without a warrant and shall not be construed as preventing the execution of a warrant for the arrest of a person for a misdemeanor as in other cases of misdemeanors when the same may be necessary.

### SECTION 500.6 APPEARANCE TICKETS.

(a) A person believed to be in violation of this Regulation may be issued and served with an appearance ticket pursuant to Section 2463 of Act 368 of Public Acts of 1978, being Section 333.2463 of the Michigan Compiled Laws, commanding such person to appear in court.

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

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

(d) A Law Enforcement Officer or Health Department Official may issue appearance tickets without issuance, prior to issuance, or subsequent to issuance of a citation, violation notice, or order.

SECTION 500.7 ORDERS.

(a) Upon a determination by a Health Department Official that an imminent danger to health or lives of individuals exists, caused by a condition which constitutes a violation of this Regulation, the Health Department Official shall issue an order to the responsible party requiring immediate action to avoid, correct, or remove the imminent danger or take other action as provided by Section 2451 of Act 368 of the Public Acts of 1978, being Section 333.2451 of the Michigan Compiled Laws.

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

(c) The person shall comply with an order issued under this Section within the time specified.

SECTION 500.8 CIVIL CITATIONS.

Pursuant to Act 368, P.A. 1978, Section 2461 and 2462, Health Department Representatives are hereby authorized to issue civil citations to be assessed for a specific violation of this Regulation at the time or not later than 90 days after discovery of the alleged violation. The citation shall be written and shall state with particularity the nature of the violation, including reference to the section, the civil penalty established for the violation, if any, and the right to appeal the citation. The citation shall be personally delivered or sent by registered/certified mail to the alleged violator.

(a) Not later than twenty (20) days after receipt of a civil citation, an alleged violator may petition the Health Department of an administrative hearing which shall be held within thirty (30) days after the receipt of the petition. After the administrative hearing, the administrator may affirm, dismiss, or modify the citation. The decision of the administrator shall be final, unless within sixty (60) days of the decision, the Board of Health or committee thereof, may affirm, dismiss or modify the citation.

(b) A person aggrieved by a decision of the administrator, the Board of Health or committee thereof, may petition the circuit court of St. Clair County for review. The petition of the court review shall be filed not later than sixty (60) days following receipt of the final decision concerning the civil citation.

(c) The Board of Health with approval of the St. Clair County Board of Commissioners shall adopt a schedule of monetary civil penalties of not more than \$1,000.00 for each violation or day the violation continues which may be assessed for a specific violation of the code, or the Michigan Public Health Code, or a rule or regulation adopted, or order issued which the health department has the authority and duty to enforce.

(d) The Board of Health shall publish specific violations in a civil citation

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schedule or monetary penalties which shall establish a monetary penalty for the specific violation named, and the penalty fine shall be determined upon the nature, threat or seriousness of each violation. The amount of monetary penalty shall be doubled for a second citation for the same violation, and tripled for a third citation of a specific violation. Thereafter, each citation shall be the maximum penalty permitted by law.

(e) When a violation of these regulations or another law, regulation or rule which the Health Officer has the duty to enforce exists, and for which no specific monetary penalty has been published, the monetary penalty shall be \$100.00 for the first citation, \$250.00 for the second citation and \$500.00 for each citation thereafter.

(f) A civil penalty shall become final if a petition for an administrative hearing or review is not received within the time specified in this article.

(g) A civil penalty imposed under this part is payable to the Health Department for deposit with the County General Fund.

(h) A civil penalty may be recovered in a civil action brought in the county in which the violation occurred or the defendant resides. Any judgments rendered pursuant to such actions shall be payable to the Health Department for deposit with the County General Fund.

### SECTION 500.9 CIVIL ACTIONS TO ENJOIN VIOLATIONS, CIVIL FINES AND COSTS.

(a) Enforcement under NREPA Part 115:

(1) The St. Clair County Corporation Counsel, pursuant to Section 11546 of NREPA Part 115, being Section 324.11546 of the Michigan Compiled Laws, may bring an action in the name of the People of the County based on facts arising within St. Clair County for any appropriate relief including injunctive relief for a violation of this Regulation or a violation of NREPA Part 115 or the MDEQ Solid Waste Management Rules.

(2) In addition to any other relief provided by this section, the Court may impose on any person who violates any provision of this Regulation, NREPA Part 115 or the MDEQ Solid Waste Management Rules or who fails to comply with any permit, license, or final order issued pursuant to this Regulation, NREPA Part 115 or the MDEQ Solid Waste Management Rules a civil fine of not more than \$10,000.00 for each day of violation.

(3) In addition to any other relief provided by this section, the Court may order a person violating this Regulation, NREPA Part 115 or the MDEQ Solid Waste Management Rules either to restore or to pay to the state an amount equal to the cost of restoring the natural resources of this state affected by the violation to their original condition before the violation, and to pay to the County the costs of surveillance and enforcement incurred by the County as a result of the violation.

(4) This section does not preclude any person from commencing a civil action based on facts that may also constitute a violation of this section of this Regulation, NREPA Part 115 or MDEQ Solid Waste Management Rules.

(b) Enforcement under Public Health Code pursuant to Sections 2462(3) and 2465(1) of Act 368 of Public Acts 1978, being Section 333.2462(3) and Section 333.2465(1) of the Michigan Compiled Laws, the St. Clair County Corporation Counsel

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may institute appropriate civil court actions:

(1) Enforce and enjoin violation of this Regulation including citations, violation notices and orders issued under this Regulation and agreements, contracts or arrangements entered into under this Regulation.

(2) Restrain, abate or destroy conditions causing pollution, destruction, or impairment of the environment.

## PART 600: AMENDMENT, INTERPRETATION , EFFECTIVE DATE, ETC.

### SECTION 600.1 AMENDMENTS.

(a) This Regulation may be amended because of development of new solid waste technologies, or recognition of emerging solid waste management problems.

(b) Any amendments to this Regulation will be made after public notice and public hearing pursuant to Section 2442 of Act 368 of the Public Acts of 1978, being Section 333.2442 of Michigan Compiled Laws.

### SECTION 600.2 INTERPRETATION CLAUSES.

(a) This Regulation provides minimum standards, supplemental to the statutes of the State of Michigan and the administrative rules duly promulgated thereunder. Where any provision of this Regulation and a provision of any federal or state statute or rule both apply, the more restrictive of any or all codes, statues, ordinances or rules shall prevail.

(b) Provisions of this Regulation shall be construed liberally so as to best preserve the public health and safety.

(c) The word "shall" is mandatory, not merely directory.

### SECTION 600.3 SEVERABILITY.

If any part of this Regulation is declared illegal or unconstitutional by a court of competent jurisdiction, that decision shall not affect any portion of the Regulation which remain but the remainder shall be in full force and effect.

### SECTION 600.4 SAVINGS CLAUSE

Regulations adopted by St. Clair County or the St. Clair County Board of Commissioners which are in effect on the effective date of this Regulation continue to the extent they do not conflict with this Regulation.

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SECTION 600.5 EFFECTIVE DATE.

This Regulation shall become effective on the date the Director of the Michigan Department of Environmental Quality approves the St. Clair County Solid Waste Management Plan.



**ST. CLAIR COUNTY  
METROPOLITAN PLANNING COMMISSION**

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