

Village of Oxford Ordains the following amendment:

The Village of Oxford, Oakland County Michigan

Post-Construction Storm Water Runoff Control Program

- Chapter 70 – Utilities - **Article V: STORMWATER – ENGINEERING AND DESIGN STANDARDS.**
  - **Sec. 70 - 126. - Stormwater Engineering Design Standards.** The Village of Oxford adopted the Oakland County Water Resource Commission Stormwater Engineering Design Standards. (The OCWRC Design Standards will be inserted here, 132 pages).
  - **Section 70 - 127. – Violations, Enforcement, and penalties.** It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who violates any of the provisions of this article shall be subject to one or more of the enforcement actions outlined in this section. Any violation or threatened violation may be restrained by injunction or otherwise abated in a manner provided by law. In the event the violation constitutes an immediate danger to public health or public safety, the enforcement agent is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The enforcement agent is authorized to seek costs of abatement as outlined in subsection 70-116(5).
  - (1) *Compliance directive.* In addition to any other remedy available to the Village of Oxford or Oakland County, village or county inspectors may issue compliance directives at the time of inspection to require a person to implement actions that will correct any violation of this article.
  - (2) *Notice of violation.* Whenever the enforcement agent finds that a person has violated a prohibition or failed to meet a requirement of this article, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
    - a. The performance of monitoring, analyses, and reporting.
    - b. The elimination of illicit connections or discharges.
    - c. The violating discharges, practices or operations shall cease and desist.
    - d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
    - e. Payment of a fine to cover administrative and remediation costs; and
    - f. The implementation of source control or treatment BMPs. If abatement of a violation or the 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 further advise that, should the violator fail to

Village of Oxford, Amendment to Article V, Sections 70-126, 170-27

complete the remediation or restoration within the established deadline, the work may be done by the authorized enforcement agency, or its designee and the expense thereof shall be charged to the violator.

- (3) *Appeal of notice of violation.* Any person receiving a notice of violation may appeal the determination of the enforcement agent. The notice of appeal must be received within ten days from the date of the notice of violation. Hearing on the appeal before the appropriate authority or its designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority shall be final.
- (4) *Enforcement measures after appeal.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 10 days of the decision of the municipal authority upholding the decision of the enforcement agent, then the enforcement agent and/or assistants are authorized to enter upon the subject property and are authorized to take any and all measures necessary to abate the violation and restore the affected property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the representatives or the enforcement agent to enter upon the premises for the purposes set forth above.
- (5) *Cost of abatement of the violation.* If the village abates a violation, then within 60 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs unless such costs are continuing. Such notice shall be given by personal delivery or by mail to the last known address of the owner as shown in the records of the county assessor. Such notice shall be effective upon the date of mailing or personal delivery. The property owner may file a written protest objecting to the amount of the assessment within ten days of the effective date of the notice. If no protest is filed, then the charges shall become due and payable on the date set forth in the notice, which date shall be after the expiration of the time in which to file an appeal, and such charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. In the event the protest is filed, a hearing on such protest shall be held before the appropriate authority or its designee within 60 days from the date of such charges and if affirmed shall become due and payable 10 days after the issuance of the order and shall constitute a lien on the property for the amount of the assessment. Such charges may also be recovered in a civil proceeding against the owner or other person in control of the premises for which such charges were incurred, and any person in violation any of the provisions of this article shall be liable to the Village of Oxford, Oakland County for all fees charges and expenses, including but not limited to administrative costs and legal fees and costs, by reason of such violation and enforcement.

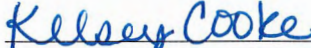
Village of Oxford, Amendment to Article V, Sections 70-126, 170-27

- (6) *Civil penalties.* The Village of Oxford is empowered to invoke Circuit Court injunctive powers and equity including imposition of per diem costs and fines as determined by the court.
- (7) *Criminal penalties; enforcement cost.* Any person who violates any provision of this article shall be liable to criminal prosecution to the fullest extent of the law and shall be subject to a penalty of \$500.00 dollars per violation day and/or imprisonment for a period of time not to exceed 90 days and/or the costs of prosecution for each day of violation. The authorized enforcement agency may recover all attorneys' fees, court costs and other expenses associated with enforcement of this article, including sampling and monitoring expenses.
- (8) *Injunctive relief.* The authorized enforcement agency may petition for a preliminary or permanent injunction restraining any person from undertaking any activities which would result in a violation or continued violation of this article and may seek mandatory injunctive relief compelling the person to perform abatement or remediation of any violation of this article.
- (9) *Compensatory action.* In lieu of enforcement proceedings, penalties, and remedies authorized by this article, the authorized enforcement agency at its option may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.
- (10) *Violations deemed a public nuisance.* In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
- (11) *Remedies not exclusive.* Except as expressly provided above, the remedies in this section are cumulative and the exercise of any one or more remedies shall not prejudice any other remedies that may otherwise be pursued for a violation of this article. The remedies listed in this article 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.

Adopted: November 23, 2021

Publication Date: November 24, 2021, Oxford Leader

Effective Date: December 24, 2021

  
Kelsey Cooke, President

CERTIFICATION

I, Teresa L. Onica, the duly appointed and acting Clerk of the Village of Oxford, Oakland County, Michigan do hereby certify that the foregoing amendment to Utilities, Adding Article V, Chapter 70-126 and 70-127 was adopted by the Village of Oxford Council by roll call vote at a regular meeting held on the 23rd day of November, 2021 at which a quorum was present. This ordinance will take effect 30-days following publication.

Teresa L. Onica, CMC, Village of Oxford Clerk

