

**Appendix C: Enforcement
Response Procedure (ERP)
for the
CHARTER TOWNSHIP OF LANSING**



REVISED: January 2025

CHARTER TOWNSHIP OF LANSING **ENFORCEMENT RESPONSE PROCEDURE**

The township will use the following ordinances to address enforcement and violations of the SWMP.

CHAPTER 15. – ENFORCEMENT.

Any ordinance passed subsequent to this Code which amends, repeals or in any way affects this Code shall number the applicable amended or repealed sections, paragraphs, sentences, clauses or phrases in accordance with the numbering system of this Code. New and amended sections, paragraphs, sentences, clauses or phrases so enacted and numbered shall be printed for inclusion in this Code. Repealed provisions, paragraphs, sentences, clauses and phrases shall be excluded from reprinted pages affected thereby. The subsequent ordinances as numbered and printed or omitted shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code by the township board.

SECTION 15-2. - PENALTIES.

Section 15-2.1. Class I offense. Class I offense shall be deemed a misdemeanor and shall be punishable by a fine not to exceed \$500.00 or by imprisonment not to exceed 90 days or both such fine and imprisonment.

Section 15-2.2. Continuing violations. Where violations are of a continuing nature, each day that a violation continues shall constitute a separate offense, punishable upon conviction as provided in section 15-2.1, provided no person shall be imprisoned for a single continuing violation for a period of longer than 90 days.

(Ord. No. 31.98, § 1, 4-2-85)

SECTION 15-4. - MUNICIPAL CIVIL INFRACTIONS VIOLATIONS.

(a) Failure to comply with the following provisions of this Code of Ordinances shall constitute a violation of chapter 17 of the Code of Ordinances and shall be punishable as a municipal civil infraction as prescribed in that chapter: section 21-5; section 21-6; section 23-1; section 31-1; section 31-3; section 31-9; section 32-1; section 41-3; section 43-6; section 44-3; section 51-3; section 51-4; section 51-5; section 54-1; section 54-2; section 54-4; section 55-2; section 56-1; section 56-2; chapter 60; chapter 62; chapter 65; section 83-5; section 83-6; section 83-10; section 83-11; section 83-15; section 83-18; section 84-3; section 85-1; section 85-2; section 85-3; section 85-4; section 85-5; section 85-6; section 85-7; section 85-8; section 85-11; section 88-3; section 88-6; section 90-13; section 101-1; section 101-2; section 101-3; section 102-3; section 102-7; section 102-10; section 104-1; section 104-2, and section 106-9.

- (b) Additional provisions of this Code of Ordinances may be designated as municipal civil infractions by either including such a designation within the ordinance provision itself or by amending this section.
- (c) Municipal civil infractions shall be enforced by the township's building inspector, police chief, fire chief, or their designee(s), or other authorized township officials as designated by the township board, who are hereby designated as the authorized township officials to issue municipal civil infraction citations directing alleged violators to appear in court, or issue municipal civil infraction violation notices directing alleged violators to appear at the Charter Township of Lansing Municipal Violations Bureau, as provided by chapter 17 of the Code of Ordinances.
- (d) The issuance of municipal civil infraction citations shall be pursuant to sections 17-3 and 17-4 of the Code of Ordinances.
- (e) The designation of a violation of a provision or provisions of the Code of Ordinances as a municipal civil infraction shall not preclude the township or an authorized township official from, in the alternative, prosecuting such violation as a Class I offense or as otherwise provided by ordinance or law.
(Ord. No. 17-B, § 1, 7-21-98; Ord. No. 17-D, § 1, 3-23-04)

CHAPTER 22A. - CITY SEWER SERVICE.

SECTION 22A-26. - PENALTIES.

Any person found to be violating any provision of this chapter, except SECTION 22A-24, shall be served by the city or township with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within, or at the expiration of, the period of time stated in such notice permanently cease all violations. Any person who shall continue any violation beyond the time limit provided shall be guilty of a violation of this Code.
(Ord. No. 22.6, § 1, 9-18-02)

SECTION 22A-27. - ACTIONS.

The council may bring any appropriate action in the name of the city, either at law or in chancery, as may be necessary or desirable to restrain or enjoin any public nuisance, to enforce any of the provisions of this chapter, and in general, to carry out the intent and purposes of this chapter. The Township Board may also bring any appropriate action in the name of the township, either at law or in chancery, as may be necessary or desirable to restrain or enjoin any public nuisance, to enforce any of the provisions of this chapter, and in general, to carry out the intent and purposes of this chapter.
(Ord. No. 22.6, § 1, 9-18-02)

CHAPTER 109A. - SOIL EROSION AND SEDIMENTATION CONTROL.

Section 109A-1. - Purpose.

The purpose of this chapter is to prevent soil erosion and sedimentation from occurring as a result of earth-change activities within the township by requiring proper provisions for water disposal and the protection of soil surfaces during and after earth-change activities, in

order to promote the safety, public health, convenience, and general welfare of the community. (Ord. No. 50.2, § 1, 2-17-08)

Section 109A-18. - Enforcement. modified

- (a) [Failure to file application.] Unless otherwise exempted by this chapter, part 91, or the rules promulgated under part 91, any person engaged in earth-change activity who fails to file a soil erosion and sedimentation control plan and application in accordance with this chapter shall be deemed in violation of this chapter.
- (b) [Notice of deficiency.] If the permittee fails to complete the work or fails to comply with the requirements, conditions and terms of the permit and/or subsequent requirements, including a temporary occupancy permit, the department shall issue a notice of deficiency. The issued notice shall provide a description of any deficiencies as well as the required corrective action(s). The permittee shall complete the required corrective actions within the time frame indicated on the issued notice. If permittee fails to comply with all requirements of the notice of deficiency, the department will issue a notice of violation and/or a stop-work order.
- (c) [Notice of violation.] If a notice of violation is issued, the department may order such work as is necessary to stabilize the site and eliminate any danger to persons, property, or natural resources. Such work will be completed by an assigned agent of the department. The permittee and the surety executing the bond or person issuing the instrument of credit or making the cash deposit as required in section VI shall be firmly bound under a continuing obligation for the payment of all costs and expenses that may be incurred by the township in causing any and all such work to be performed. In the case of a cash deposit, any unused portion thereof will be refunded to the permittee. If the financial guarantee is insufficient, the permittee shall deposit an amount equal to the deficiency.
- (d) [Cash performance deposit.] If the department finds it necessary to issue a notice of violation to a permittee, the department may require a \$1,000.00 cash performance deposit for each subsequent single residential permit issued to that applicant. The amount of the performance deposit required for any other type of activity shall be determined by the department at the time of application.
- (e) [Court action.] Notwithstanding the existence or pursuit of any other remedy, the township may maintain an action in its own name in any court of competent jurisdiction for an injunction or other process against any person to restrain or prevent violations of this chapter
- (f) [Inspection, investigation.] Acceptance of the permit by permittee shall constitute permittee's consent that the department may enter at all reasonable times in, or upon, any private or public property for the purpose of inspecting and investigation conditions and practices which may be a violation of the permit and/or this chapter.

(g) Civil infractions.

- (1) In addition to remedies for a violation provided in this chapter, a person who violates this chapter, part 91 or the rules promulgated thereunder as incorporated herein, shall be liable for payment of a municipal civil infraction and may be ordered to pay a civil fine of not more than \$2,500.00.
- (2) A person who knowingly violates this chapter, part 91 or said rules, or who knowingly makes a false statement in an application for a permit or in the soil erosion and sedimentation control plan shall be responsible for payment of a civil fine or not more than \$10,000.00 for each day of violation.
- (3) A person who knowingly violates this chapter, part 91, or said rules after receiving a notice of determination is responsible for the payment of a civil fine of not less than \$2,500.00 or more than \$25,000.00 for each day of violation.
- (4) Civil fines collected pursuant to this section shall be deposited with the township.
- (5) A default in payment of a civil fine or a cost ordered under this section or installment of a fine or cost may be remedied by any means authorized under the Revised Judicature Act of 1961 (1961 PA 236; MCL 600.101 et seq.).
- (6) In addition to the other remedies provided in this chapter, part 91, or said rules, a person in violation of part 91 may be liable for damages, for injury to or destruction of or loss of natural resources resulting from said violation and may be subject to such injunctive orders as may be appropriate, including orders to cease and desist all such activities and/or to restore the area or the areas affected by the violation to their condition as said condition existed prior to the violation.
- (7) Persons authorized by the township board to enforce municipal civil infractions within the township and persons employed by the department are authorized to enforce the provisions of this chapter. (Ord. No. 50.2, § 1, 2-17-08)