

Chapter 25

ENVIRONMENT

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ARTICLE I. IN GENERAL

Secs. 25-1—25-30. Reserved.

ARTICLE II. ANTI-NOISE*

Sec. 25-31. Title.

This article shall be known and cited as the village "Anti-Noise Ordinance."
(Ord. No. 69, § 1, 9-24-79)

Sec. 25-32. Definitions.

The following terms used in this section are defined as follows:

dB (A) means the sound pressure level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI s1. 4-1971.

Decibel is a unit used to express the magnitude of sound pressure and sound intensity. The difference in decibels between two (2) sound pressures is twenty (20) times the common logarithm of their ratio. In sound pressure measurements, the sound pressure level of a given sound is defined to be twenty (20) times the common logarithm of the ratio of that sound pressure to a reference pressure of 2×10^{-5} N/m² (newtons per meter squared). As an example of the effect of this formula, a 3-decibel change in the sound pressure level corresponds to a doubling or halving of the sound intensity, and a 10-decibel change corresponds to a 10-fold increase or decrease to one-tenth ($1/10$) the former intensity.

(Ord. No. 69, § 2, 9-24-79)

***Cross references**—Animals, § 9-5; dogs disturbing the peace, § 9-33; disorderly conduct, § 37-1(h).

Sec. 25-33. Anti-noise regulations.

(a) *General regulation.* No person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the village.

(b) *Specific violations.* The following noises and disturbances are hereby declared to be a violation of the article; provided, however, that the specification of the same is not hereby to be construed to exclude other violations of this article not specifically enumerated:

- (1) The playing of any radio, phonograph, television or other electronic or mechanical sound-producing device including any musical instrument in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons.
- (2) Yelling, shouting, hooting or singing on the public streets between the hours of 10:00 o'clock p.m. and 7:00 a.m., or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any person in the vicinity.
- (3) The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.
- (4) The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.
- (5) The operation of any automobile, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonable disturbing to the quiet, comfort or repose of other persons. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.
- (6) The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
- (7) The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.

- (8) The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car or other carrier or in connection with the repairing of any such vehicle in or near residential areas.
- (9) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial

purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.

- (10) The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the village with the purpose of advertising, where such vehicle, speaker or sound amplifying equipment emits loud and raucous noises easily heard from nearby adjoining residential property.
- (11) The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person.
- (12) The operation of any race track, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the village where the noise emanating therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 11:00 p.m. on any evening.

(c) *Exceptions.* None of the prohibitions hereinbefore enumerated shall apply to the following:

- (1) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
 - (2) Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Village of Elkton, or the County of Huron, between sundown and 7:00 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
 - (3) Warning devices emitting sound for warning purposes as authorized by law.
- (Ord. No. 69, § 3, 9-24-79)

Sec. 25-34. Anti-noise regulations based upon dB(A) criteria.

In order to regulate and prove violations occurring under section 25-9 of this article, any noise in excess of the maximum decibel limits according to the regulations stated below is deemed to be in violation of this article.

- (a) *Regulations for decibel measurement of noise origination from private properties.* Noise radiating from all properties or buildings, as measured at the boundaries of the property, which is in excess of the dB(A) established for the districts and time herewith listed shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is therefore in violation of this article. Violations shall exist when the source or sources of noise are identifiable and the levels emanating from the source or sources exceed the following limitations. As an example, such noise shall include that emitting from the production, processing, cleaning, servicing, testing, repairing and manufacturing of materials,

goods or products, including vehicles.

<i>Zoning Districts</i>	<i>Limitations 7 a.m. to 10 a.m.</i>	<i>Limitations 10 a.m. to 7 a.m.</i>
Residential (and any area within 500 feet of a hospital regardless of zoning district and agricultural districts located within 500 feet of any dwelling under separate ownership)	55 dB(A)	50 dB(A)
Agricultural, where at least 500 feet from any dwelling under separate ownership and commercial	65 dB(A)	55 dB(A)

Harmonic or pure tones, and periodic or repetitive impulse sound shall be in violation when such sounds are at a sound pressure level of 5 dB(A) less than those listed above.

When property is partly in two (2) zoning districts or adjoins the boundary of a zoning district, the dB(A) levels of the zoning district of the property where the noise is emanating shall control.

These exceptions shall apply to the regulations under subsection (a), as follows:

- (1) Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts as long as a valid building permit has been issued by the village and is currently in effect.
- (2) All railroad operations shall be subject to the maximum permissible noise levels allowed in industrial districts, regardless of the zone where they are located.
- (3) Noises occurring between 7:00 a.m. and sundown caused by home or building repairs or from maintenance of grounds are excluded, provided such noise does not exceed the limitations specified in subsection (a) by more than 20 dB(A).
- (4) Noises emanating from the discharge of firearms are excluded, providing the discharge of the firearms was authorized under Michigan laws and all local ordinances.
- (5) Any commercial, agricultural or industrial use of property which exists now or in the future as a legal nonconforming use (as defined in the village zoning ordinance) in a higher zoning classification shall be allowed to emit noise in excess of these limitations for the particular zoning classification where such use is located, providing that such noise does not exceed either of the following limitations:
 - a. The noise level emitted by such use at the time it became a legal nonconforming use as a result of the enactment of an amendment of the village zoning ordinance if available.
 - b. The limitations contained herein based upon such a use being located in the highest zoning district (either commercial and agricultural or industrial) where such a use is specifically allowed as a permissible use.

(b) *Regulations for decibel measurement of motor driven vehicles on public roads.* All noise emitted from motor driven vehicles upon public roads shall be measured whenever possible at a distance of at least fifty (50) feet or fifteen (15) meters from a noise source located within the public right-of-way. If measuring at fifty (50) feet (fifteen (15) meters) is not feasible, measurement may be made at twenty-five (25) feet (seven and one-half (7½) meters) and if this is done, 6 dB(A) shall be added to the limits provided below. All such noises in excess of the dB(A) as provided herein shall be prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is therefore in violation of this article.

<i>Vehicle</i>	<i>Weight</i>	<i>dB(A) Maximum Limitation</i>
Truck and buses	Over 10,000 lbs. gross weight	82 dB(A)
Truck and buses	Under 10,000 lbs. gross weight	74 dB(A)
Passenger cars	Any weight	74 dB(A)
Motorcycles, snowmobiles and minibikes	Any weight	82 dB(A)
All other self-propelled motor vehicles	Any weight	74 dB(A)

(c) *Measurement of noise.* All measurements of dB(A) according to subparagraphs (a) and (b) of this section shall be made by using a sound level meter of standard design and operated on the "A" weight scale, with slow meter response.

(Ord. No. 69, § 4, 9-24-79)

Cross reference—Zoning, App. A.

Sec. 25-35. Penalties.

Any person, firm or corporation found violating the provisions of this article, shall upon conviction, be punished by a fine of not to exceed one hundred dollars (\$100.00) or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment at the discretion of the court. Each day that a violation shall continue is to constitute a separate offense. Provisions of this article may also be enforced by suit for injunction, damages or other appropriate legal action.

(Ord. No. 69, § 7, 9-24-79)

Secs. 25-36—25-50. Reserved.

ARTICLE III. NUISANCES***Sec. 25-51. Declaring nuisance.**

The village council after receiving a report from any city official and after careful inspection and consideration of the case, may declare a nuisance. Whenever any dwelling or any building, structure, excavation, business pursuit, matter or thing or the lot upon which it is situated, or the plumbing, sewage, light, or ventilation, rubbish, debris, waste or inflammable material or building which constitute a fire hazard, or building or structure which is unfit for human habitation, or constitutes a danger to life or limb, exists, the village council may declare a nuisance and may order the same to be remedied, removed, abated, altered or otherwise improved as the order may specify.

(Ord. No. 50, § 2, 6-3-58)

Sec. 25-52. Nuisances prohibited.

Nuisances are not to be created or maintained. No owner or occupant, firm or corporation having control or management of any building, structure, excavation, business pursuit, matter or thing, shall allow any nuisance to be created or exist on their premises within the Village of Elkton.

(Ord. No. 50, § 1, 6-3-58)

Sec. 25-53. Public nuisance regulations.

No person, firm or corporation shall create, cause or maintain any public nuisance within the village by the reasonable emission of dust, smoke, fly ash or noxious odors which are offensive or disturbing to adjacent property owners and residents or persons in the area.

(Ord. No. 69, § 5, 9-24-79)

Sec. 25-54. Failure to abate nuisance.

If any owner, occupant or lessee of any building, premises, structure or thing hereinbefore referred to, shall fail or refuse to carry out such order or orders of any such officer, referred to in section 25-51 of this article, or shall fail or refuse to carry out said orders or order of the village council within the time fixed by said order or orders, the village shall proceed to carry out the same through its agents, employees or contractors, and the cost of carrying out said orders shall constitute a lien against said premises.

(Ord. No. 50, § 3, 6-3-58)

Sec. 25-55. Unpaid costs; lien.

In the event the cost of carrying out said order or orders referred to in section 25-54 of this article remains uncollected or unpaid for the period of one year after bill for same has been

***Cross references**—Animals, § 9-4; dogs, § 9-31; dangerous buildings, § 13-100; satellite dishes, § 13-134; franchises, App. B; weeds, § 25-71; snow removal, § 45-94; abandoned vehicles, § 49-153(e); performance standards, general provisions, App. A, § 1011.

rendered, the amount of the bill in arrears for the year ending the previous thirty-first of December shall be referred to the assessor of the village on or before the first day of February in each and every year, and the same, together with interest at the rate of seven (7) per cent per annum thereon, shall be placed upon the tax roll then in course of preparation as a charge against the property upon which said order was carried out; and remains a lien against said land and premises, and said land and premises shall be subject to sale for such arrears in the same manner as arrears in other municipal taxes.

(Ord. No. 50, § 4, 6-3-58)

Sec. 25-56. Penalties for violation.

Any person, firm or corporation or association violating the provision of this article shall be punishable by a fine of not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00) or imprisonment in the county jail for not more than ninety (90) days or both such fine and imprisonment in the discretion of the court.

(Ord. No. 50, § 5, 6-3-58)

Sec. 25-57—25-70. Reserved.

ARTICLE IV. WEEDS

Sec. 25-71. Weeds declared a nuisance.

Any weed such as jimson, burdock, ragweed, thistle, cocklebur or other weeds of a like kind found growing in any lot or tract of land in the Village of Elkton are hereby declared to be a nuisance, and it shall be unlawful to permit any such weed to grow or remain in any such place.

(Ord. No. 52, § 1, 2-9-71)

Cross reference—Environment, Ch. 25, Art. III.

Sec. 25-72. Height limit.

It shall be unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, flowers or other ornamental or vegetable plants to grow to a height exceeding ten (10) inches anywhere in the Village of Elkton and such plants, grasses or weeds exceeding such height are hereby declared to be a nuisance.

(Ord. No. 52, § 2, 2-9-71)

Sec. 25-73. Notice to abate nuisance.

It shall be the duty of the village council or its duly authorized agent to serve or cause to be served a notice upon the owner or occupant of any premises on which such weeds, plants or grasses are permitted to grow in violation of the provisions of this article and to demand the abatement of the nuisance within seven (7) days.

(Ord. No. 52, § 3, 2-9-71)

Sec. 25-74. Failure to abate nuisance; charges.

If the person so served does not abate the nuisance within seven (7) days, the village council or its duly authorized agent may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or occupant.

(Ord. No. 52, § 4, 2-9-71)

Sec. 25-75. Unpaid charges; lien.

Charges for such abatement shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for sixty (60) days after it has been rendered, the Village of Elkton council shall by resolution, certify said charges against the property to which the bill is rendered to the village assessor. It shall be the duty of the village assessor upon said certification by the village council, to assess said charges against the property and said charges so assessed shall be due and payable with the following statement for taxes to the Village of Elkton.

(Ord. No. 52, § 5, 2-9-71)

Secs. 25-76—25-79. Reserved.**ARTICLE V. CEMETERIES****Sec. 25-80. Title.**

This article shall be known and cited as the Village of Elkton Cemetery Ordinance.
(Ord. of 2-14-06)

Sec. 25-81. Definitions of cemetery lots and burial spaces.

Adult burial space shall consist of a land area four (4) feet wide and eight (8) feet in length.

Cemetery lot shall consist of burial spaces sufficient to accommodate from one to five (5) burial spaces.

Cremation burial space shall consist of a land area four (4) feet wide and four (4) feet in length.

Infant or stillborn burial space shall consist of a land area three (3) feet wide and three and one-half (3½) feet in length in areas set aside specifically for such burials.

(Ord. of 2-14-06)

Sec. 25-82. Sale of lots or burial spaces.

(a) All such sales shall be made on a form approved by the village council which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such form shall be executed by the village clerk.

(b) Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the village and may be effected only by endorsement of an assignment of such burial deed upon the original burial deed form issued by the village clerk, approved by said clerk, and entered upon the official records of said clerk. Upon such assignment, approval and record, said clerk shall issue a new burial deed to the assignee and shall cancel and terminate upon such records, the original deed thus assigned.
(Ord. of 2-14-06)

Sec. 25-83. Purchase price and transfer fees.

Purchase price and transfer fees shall be at a cost determined from time to time by resolution of the village council payable to the village. The foregoing charges shall be paid to the village clerk and shall be deposited in the cemetery fund.
(Ord. of 2-14-06)

Sec. 25-84. Grave opening charges.

(a) The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the village council payable to the village.

(b) No burial spaces shall be opened and closed except under the direction and control of the cemetery sexton. This provision shall not apply to proceedings for the removal and reinternment of bodies and remains, which matters are under the supervision of the local health department.
(Ord. of 2-14-06)

Sec. 25-85. Markers or memorials.

(a) All markers or memorials must be of stone or other equally durable composition.

(b) Any large upright monuments must be located upon a suitable foundation to maintain the same in an erect position.

(c) Only one monument, marker or memorial shall be permitted per burial space.

(d) In the new section of the cemetery, the footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the village at no cost to the owner. In the old section of the cemetery the footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the owner at the owner's expense.
(Ord. of 2-14-06)

Sec. 25-86. Internment regulations.

(a) Only one person and one cremation may be buried in a burial space except for a mother and infant or two (2) children at the same time.

(b) Not less than thirty-six (36) hours' notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.

(c) The appropriate deed for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to the village clerk prior to internment. Where such deed has been lost or destroyed, the village clerk shall be satisfied, from his or her records, that the person to be buried in the burial space is an authorized and appropriate one before any internment is commenced or completed.

(d) All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

(Ord. of 2-14-06)

Sec. 25-87. Ground maintenance.

(a) No grading, leveling, or excavating upon burial space shall be allowed without the permission of the cemetery sexton or the village clerk.

(b) All flowers, shrubs, trees or vegetation are to be in suitable portable containers.

(c) The village council reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.

(d) Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

(e) The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefore that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.

(f) Surfaces other than earth or sod are prohibited.

(g) All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery.

(Ord. of 2-14-06)

Sec. 125-88. Repurchase of lots or burial spaces.

The village will repurchase any cemetery lots or burial space from the owner for the original price paid the village upon written request of said owner or his legal heirs or representatives.

(Ord. of 2-14-06)

Sec. 25-89. Records.

The village clerk shall maintain records concerning all burials, issuance of burial deeds, and any perpetual care fund, separate and apart from any other records of the village and the same shall be open to public inspection at all reasonable business hours.

(Ord. of 2-14-06)

Sec. 25-90. Vault.

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

(Ord. of 2-14-06)

Sec. 25-91. Cemetery hours.

The cemetery shall be open to the general public during those hours as determined by resolution of the village council.

(Ord. of 2-14-06)

Sec. 25-92. Penalty.

Any person, firm or corporation who violates any of the provisions of this article shall be guilty of a misdemeanor and shall be subject to a fine of up to five hundred dollars (\$500.00) and/or imprisonment for up to ninety (90) days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

(Ord. of 2-14-06)

Secs. 25-93—25-100. Reserved.**ARTICLE VI. GROUNDWATER PROTECTION****Sec. 25-101. Purpose.**

- (a) The Village of Elkton has determined that:
- (1) The source of the village's drinking water is from groundwater located in the bedrock of the Marshall Formation, a sandstone aquifer. This aquifer has been determined to be a confined aquifer.
 - (2) The aquifer from which the village receives its water is the sole source of the village's water and there exists no other practical alternative for a municipal drinking water supply.
 - (3) Spills and discharges of petroleum products, sewage, and other hazardous substances threaten the quality of the groundwater supply and other water-related resources, posing potential public health and safety hazards and threatening economic losses.
- (b) Therefore, the Village of Elkton has enacted an article to:
- (1) Preserve and protect present and future sources of drinking water supply for public health and safety.
 - (2) Conserve the natural resources of the village.

- (3) Protect the financial investment of the village in its drinking water supply system and to meet State of Michigan requirements for wellhead protection.
 - (4) Assure that state regulations which help protect groundwater are implemented consistently when new or expanded development proposals are reviewed.
- (Ord. No. 100, § 1, 10-9-94)

Sec. 25-102. Definitions.

Abandoned well. A well that is no longer in use or is insufficient for use due to quantity or quality problems, and that has not been properly sealed.

Confined aquifer. Aquifers that are wedged between layers of relatively impermeable materials and are consequently under pressure.

Facility. Any building, structure, or installation from which there may be a discharge of pollutants.

Hazardous substance. Any physical, chemical, biological, or radiological substance or matter that is or may become injurious to the public health, safety, or welfare, or to the environment.

Primary containment. The first vessel, tank, pit, pipe, or other container used to store hazardous substances.

Secondary containment. The second vessel, tank, pit, pipe, confined area, or other container used to prevent hazardous materials from leaking, leaching, or otherwise escaping from their primary container.

(Ord. No. 100, § 2, 10-9-94)

Sec. 25-103. Scope.

All businesses and facilities, new and existing, which use, store, or generate hazardous substances in quantities greater than one hundred (100) kilograms per month (equal to about twenty-five (25) gallons or two hundred twenty (220) pounds), shall be subject to site plan review requirements under the provisions of this article.

(Ord. No. 100, § 3, 10-9-94)

Sec. 25-104. General provisions.

(a) *Groundwater protection standards.*

- (1) The project and related improvements shall be designed to prevent spills and other nonpermitted discharges of hazardous substances into the environment.
- (2) General purpose floor drains shall be connected to a public sewer system (with approval of the wastewater treatment operator), an on-site holding tank, or a system authorized through a state surface or groundwater discharge permit.
- (3) Secondary containment is required for all hazardous substance storage and use areas, including loading and unloading areas. In determining conformance with these

standards the village shall refer to the publication, "Small Business Guide to Secondary Containment", and other related publications available at the Elkton Village Hall.

- (4) State and federal agency requirements for storage, spill prevention, recordkeeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without applicable permits and approvals.

(b) *Above ground storage and use areas for hazardous substances.*

- (1) Primary containment of hazardous substances must be product tight.
- (2) Secondary containment shall be sufficient to store the entire contents of the primary container for the maximum anticipated period of time necessary for the recovery of any released substance. Secondary containment for outdoor storage areas must also allow for the expected accumulation of precipitation. Products held in containers of ten (10) gallons or less and packaged for retail use shall be exempt from this item.

(c) *Underground storage tanks.*

- (1) Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with applicable requirements of the U.S. Environmental Protection Agency and the state police fire marshal division.
- (2) Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with applicable requirements of the state police fire marshal division. Leak detection, corrosion protection, spill prevention, and overflow protection requirements shall be met. Records of monitoring must be retained and available for review by village officials.
- (3) Underground storage tanks taken out of service permanently shall be emptied and permanently closed in accordance with the requirements of the state police fire marshal division and the Michigan Department of Natural Resources.

(d) *Well abandonment.*

- (1) Out of service water wells shall be sealed and abandoned in accordance with applicable requirements of the Michigan Department of Public Health Well Construction Unit.
- (2) In determining conformance with this standard the village shall review the map, "Evidence of Abandoned Wells within the Elkton Wellhead Protection Area", (which can be viewed at the Elkton Village Hall) to determine the likely existence of abandoned wells on the site.

(e) *Sites with contaminated soils and/or groundwater.*

- (1) Site plans shall take into consideration the location and extent of any contaminated soils and/or groundwater on the site, and the need to protect public health and the environment.

- (2) Development shall not be allowed on or near contaminated areas of a site unless information from the Michigan Department of Natural Resources is available indicating that cleanup will proceed in a timely manner.

(f) *Construction standards.*

- (1) The general contractor, or if none, the property owner, shall be responsible for assuring that each contractor or subcontractor uses proper procedures for use, storage, and handling of hazardous materials including secondary containment for any storage container.
- (2) Upon completion of construction all hazardous substances and containment systems no longer used, or not needed in the operation of the facility, shall be removed from the construction site by the responsible contractor and shall be disposed of, recycled, or reused in a proper manner.

(g) *Maintenance.* In areas where hazardous substances are handled or stored, structural integrity of the building must be maintained to avoid inadvertent discharges to soil and groundwater.

(Ord. No. 100, § 4, 10-9-94)

Sec. 25-105. Review requirements.

(a) Specify the location of all areas where hazardous substances will be used, stored, disposed, or otherwise handled.

(b) Specify the location of all above-ground and underground storage tanks and label their use.

(c) Show all secondary containment measures taken to prevent the release of hazardous substances.

(d) Specify the location of any abandoned well or suspected abandoned well.

(e) Specify the location of floor drains, exterior drains, dry wells, catch basins, retention/detention areas, sumps, and other facilities designed to collect, store, or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.

(f) Specify areas on the site that the applicant has reason to believe are contaminated, together with a report on the status of site cleanup, if applicable.

(g) Complete and submit the following (copies are available at Elkton Village Hall):

Hazardous Substances Reporting Form for Site Plan Review

Environmental Permits Checklist for the Village of Elkton and Oliver Township

(h) Refer to appendix A, article XIII, "Site plan", section 1302, "Reviewable site plans", of this Code, for additional requirements.

(Ord. No. 100, § 5, 10-9-94)

Sec. 25-106. Conditions for approval or denial.

(a) *Approval.* If the site plan meets all the zoning ordinance requirements and related development requirements and standards, the ordinance committee shall record such approval and the chairman shall sign three (3) copies of the site plan filing one in the official site plan file, forwarding one to the building inspector, and returning one to the applicant.

(b) *Disapproval.* If the site plan does not meet zoning ordinance and related development requirements and standards, the ordinance committee shall record the reasons for denial. The applicant may subsequently refile a corrected site plan under the same procedures followed for the initial submission.

(Ord. No. 100, § 6, 10-9-94)

Sec. 25-107. Exemptions and waivers.

The transportation of any hazardous substance shall be exempt from the provisions of this article provided the transporting motor vehicle or rail is in continuous transit, or that it is transporting substances to or from a state licensed hazardous waste treatment, storage, or disposal facility.

(Ord. No. 100, § 7, 10-9-94)

Sec. 25-108. Penalties and costs.

(a) *Falsifying information.* Any persons who knowingly makes any false statements, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this article or who falsifies, tampers with, or knowingly renders inaccurate any method required under this article, shall upon conviction, be fined not more than five hundred dollars (\$500.00).

(b) *Violations.* Any person or persons, who, if found to have violated an order of the village, or who willfully or negligently fails to comply with any provisions of this article and the orders, rules, regulations, and permits issued thereunder, shall be fined upon conviction not more than five hundred dollars (\$500.00).

Any person or persons violating any of the provisions of this article, shall be liable to the village for any expense, loss, or damage caused by such violation.

(Ord. No. 100, § 8, 10-9-94)

Chapters 26–28

RESERVED

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