

Village of Beverly Hills
Regular Village Council Meeting
Tuesday, November 1, 2022

Municipal Building
18500 W. 13 Mile Road
7:30 p.m.

Zoom link: <https://us02web.zoom.us/j/82502242099>

Meeting ID: 825 0224 2099

Dial in: 1-646-876-9923 (US)

AGENDA

Roll Call/Call to order

Pledge of Allegiance

Amendments to Agenda/Approve Agenda

Community Announcements

Public Comments on items not on the published agenda

Consent Agenda

1. Review and consider approval of **minutes** of a regular Council meeting held October 18, 2022.
2. Review and consider approval of minutes of a Closed Session meeting held October 18, 2022.
3. Review and file **bills** recapped as of Monday, October 24, 2022.
4. Set public hearing **date** for Tuesday, December 6, 2022 to receive comments on the 5-Year Community Recreation Plan.
5. Set public hearing **date** for Tuesday, December 6, 2022 to receive comments on the Community Development Block Grant application for Program Year 2023.

Business Agenda

1. Review and consider subcommittee's **recommendation** for an appointment to the Planning Commission for a partial term ending June 30, 2023.
2. **Public hearing** to receive comments on proposed Ordinance 383, amending Chapter 22, Section 22.08.290; Ordinance 384, amending Chapter 22, Section 22.09; and Ordinance 385, amending Chapter 30 of the Municipal Code.
3. First reading of **Ordinance 383**, amending Chapter 22, Section 22.08.290 of the Municipal Code.
4. First reading of **Ordinance 384**, amending Chapter 22, Section 22.09 of the Municipal Code.
5. First reading of **Ordinance 385**, amending Chapter 30 of the Municipal Code.
6. Review and consider Beverly Hills Lions Club's **request** to hold annual Candy Cane Collection from November 22 to December 24, 2022.
7. Review and consider **resolution** approving the purchase of a Fit Test Machine through the Assistance to Firefighters Grant Program.

This will be a hybrid meeting held in person in the Village Council Chambers with a remote participation option available via Zoom due to the COVID-19 pandemic.

The Village of Beverly Hills will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities attending the meeting upon three working days' notice to the Village. Individuals with disabilities requiring auxiliary aids or services should contact the Village by writing or phone, 18500 W. Thirteen Mile Beverly Hills, MI 48025 (248) 646-6404.

8. Review and consider Parks & Recreation Board's **recommendation** to host 2023 Java & Jazz series at Beverly Park.
9. Review and consider Parks & Recreation Board's **recommendation** to purchase WiFi, video projector, and video screen for Beverly Park.
10. Review and consider **Proposals** for the Infrastructure Planning Projects.
11. Second **announcement** of a vacancy on the Birmingham Area Cable Board.

Public Comments

Manager's **report**

Council comments

Special Order of Business: Recognition of Planning Commissioner Antonia Grinnan

Special Order of Business: Recognition of Council Member Lee Peddie

Adjournment

This will be a hybrid meeting held in person in the Village Council Chambers with a remote participation option available via Zoom due to the COVID-19 pandemic.

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REGULAR COUNCIL MEETING MINUTES – OCTOBER 18, 2022 – PAGE 1

Present: President George; President Pro-Tem Hrydziuszko; Members: Abboud, Kecskemeti, Mooney, O’Gorman, and Peddie

Absent: None

Also Present: Village Manager, Campbell
Village Clerk/Assistant Manager, Rutkowski
Village Attorney, Ryan
Public Safety Director, Torongeau

President George called the regular Village Council meeting to order at 7:30 p.m. in the Village Council Chambers located at 18500 W. Thirteen Mile Road, Beverly Hills, MI 48025. The Pledge of Allegiance was recited by those in attendance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

Motion by Mooney, second by Peddie, to approve the agenda as published.

Motion passed.

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS

David Tobaben, Orchard Way, commented on transparency and communication in the village. He said that there are a lot of good things happening that residents might not be aware of. He suggested summarizing each Council meeting in the weekly email since many people do not have time to watch the meeting or read the minutes. He stated he attended RCOC’s meeting regarding the Beverly/Greenfield roundabout.

Mooney stated that he thinks the Council has worked to get information out to residents. He said there is no local news coverage of the Council meetings and it has been that way for many years. He said summaries coming from the Village may not be as unbiased as a neutral source, such as the local media.

CONSENT AGENDA

Motion by Mooney, second by Peddie, be it resolved, the consent agenda is approved.

1. Review and consider approval of minutes of a regular Council meeting held October 4, 2022.
2. Review and file bills recapped as of Monday, October 10, 2022.

Roll Call Vote:

Motion passed (7-0)

BUSINESS AGENDA

REVIEW AND CONSIDER INSURANCE RENEWAL WITH THE MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY

Campbell provided an overview. On the agenda for Council to review and consider is the renewal of the Village’s Liability Insurance Policy. This policy renews on November 1 of this year.

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The terms of this policy are the same as the current policy: A self-insured retention of \$75,000 for liability and, for vehicle and physical damage a self-insured retention of \$15,000 per vehicle and \$30,000 per occurrence. The liability limit is \$10,000,000 with various other limits listed on page 3. There is also a stop loss policy that would limit all liability in any village fiscal year to \$150,000. The cost for retaining this stop-loss policy is \$4,916. The stop-loss policy is detailed on page 8.

The total cost for the liability policy for one year is \$140,158. This is a slight increase over last year's premium of \$ 136,266. The total premium, stop loss cost, and retention fund contribution for this year is \$185,074. This is slightly up from \$181,019 last year or a 2% increase. Please be advised that other jurisdictions throughout the State have reported 15 to 17% increases in their premium costs.

Upon renewal, the Village will be eligible for a disbursement through MMRMA. I will report to Council upon receipt of our annual distribution. Given the current strong position of our retention fund I am recommending that the disbursement amount be allocated back to the General Fund. Village Administration has reviewed the liability insurance renewal and recommends approval at this time.

Craig Manser, the Village's agent with IBEX, was present to answer questions. He went over the 2.2% increase which is comparably lower than other communities' increases this year. He stated the Village has done a good job at keeping its losses low. He expanded on the stop loss, which caps the loss off in any one year.

O'Gorman asked if there were any significant changes to the policy. Manser noted that cyber coverage had the only change, which was a \$3 million reduction. He stated he has had no luck in the market getting more than \$2 million coverage for cyber security.

George commented on network liability, out business expenses, mitigation expenses, and concerns over social engineering coverage. Manser stated that it has been near impossible to get social engineering coverage.

Motion by O'Gorman, second by Mooney, be it resolved that the Village of Beverly Hills Council approve and authorize the Village Manager to sign the Michigan Municipal Risk Management Authority Liability and Property Insurance renewal effective November 1, 2022 through November 1, 2023 in the amount of \$185,074.00. Funds for these expenditures are available in accounts 101-248-910.00, 205-345-910.00, 205-346-910.00, and 592-540-910.00.

Roll Call Vote:
Motion passed (7-0)

UPDATE AND DISCUSS PROPOSED REQUEST FOR PROPOSAL FOR CYBER SECURITY SERVICES

Campbell provided an overview. As a follow up to a Council discussion at the September 20, 2022 Council meeting, the Administration presents the following proposed request for proposals (RFP) for cyber security services. The proposed scope of services contains the core services recommended by the State of Michigan. Please be advised that the cybersecurity practice leader

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at our liability insurance provider, the Michigan Municipal Risk Management Association (“MMRMA”), reviewed the proposed RFP. Daniel Bordeau, the practice leader, made several suggestions including expanding the scope of services. He believes this is a comprehensive RFP.

The proposed RFP was provided to Southfield Township, Bingham Farms, and Franklin to consider joining the Village of Beverly Hills in this RFP. The neighboring jurisdictions are consulting with their IT providers to see what they may want to participate with going forward. They also want to know what their portion of the cost may be. Administration is seeking an independent cost estimate that it will be able to report at the meeting and assist the neighboring jurisdictions in making a decision about whether to participate with this RFP.

Campbell stated the whole process for the bid, assessment, and training would take about a year to complete and estimated that it would cost between \$40,000 and \$55,000.

The Council discussed that this would be an assessment of the Village’s current capabilities. The vendor would also provide recommendations and training.

Mooney stated that he thinks it is reasonable to spend \$50,000 to protect over 10,000 residents’ information.

Abboud asked about the duration. Campbell clarified that it would be approximately 12 to 18 months to complete.

The Council and Administration discussed training staff.

Peddie asked about vetting vendors. Campbell stated that some have already been vetted by the state and that the Village would look at resumes and do checks on the vendors who submit proposals.

The Council discussed including Southfield Township in the process since they collect Beverly Hills taxes.

George stated that it was the sense of Council to direct Administration to move forward with issuing the cybersecurity Request for Proposals as discussed and to report back to Council.

DISCUSS LOCAL INFRASTRUCTURE GRANT PROPOSALS SUBMITTED BY HUBBELL, ROTH, AND CLARK, INC.

Campbell provided an overview. Proposals were provided to the Council from the Village Engineer, HRC, for the critical infrastructure projects that were part of the matching grant from Oakland County. As you may recall, local governments could receive up to \$100,000 in one to one (1:1) matching grant funds for critical infrastructure. The grant funding is coming from American Rescue Plan Act of 2021 awarded to Oakland County. At this time, the grant funding was approved for the following projects:

- I. Decision Support Tool Planning – this helps the Village coordinate asset management across different infrastructure systems to assure value in Village Infrastructure

- investments. The budget for this project is \$50,000. The grant would cover \$25,000 of the budget.
- II. Basement Backup Protection Program Planning – a plan for developing community specific materials to provide education and resources to Village residents to reduce flooding and sewer backups and the impacts they have on the community. The budget for this project is \$25,000 with the grant covering \$12,500 of that budget.
 - III. Sanitary Sewer Planning. The planning to prevent sanitary sewer backups in approximately \$25,000 with the grant covering \$12,500 of that budget.
 - IV. Water Line Service Verifications – the Village will utilize grant funding to assist in material verification of water service lines in order to comply with the State requirement under the revised Lead and Copper rule. The proposed budget for this project is \$110,000 with the grant covering \$50,000 of that budget.

Dan Mitchell, Hubbell, Roth, and Clark, Inc. was present to answer questions from the Council.

George elaborated on the water line verification project and overall ARPA funding. He asked how the Village could use its internal resources.

Mitchell stated that the Water Resources Commission (WRC) operates and maintains the Village's system and they try to televisize the entire system on a 7-year cycle. He noted that some of the grant money could be used on this ongoing project, which offsets Village costs.

Tracy asked for clarification on planning vs. doing. Mitchell stated that televising and conducting an inventory of the system is part of the planning process.

George stated that there is the PASER study and road assessment management plan and a separate water/sewer plan that do not necessarily talk to one another. He said the planning tool would help stitch these plans together.

Mitchell added that the tool would help assess all plans (roads, water, and sewer) and would create a single document to point to.

Kecskemeti asked Mitchell to expand on what the tool would look like. For example, she asked if it would be a document, a binder, or a website. She also asked if it would be a one-time outcome or ongoing. Mitchell stated that it could be all of the above and it would include meeting with pertinent staff to discuss priorities. He said the tool would be a working or ongoing document that could be updated.

Mooney stated that he was under the impression that HRC was involved in the road and water/sewer assessments and that they already had documents that they could hand over to Village staff. He was in favor of improving the Village's infrastructure, but did not want to pay for the same services twice.

Kecskemeti left the meeting at 8:37 p.m.

Mitchell stated that the plans are dynamic and change from year to year. A concrete planning tool is important so that the Village staff do not have to rely solely on HRC staff for information.

George stated he would like a thoughtful process to present to residents and that he prefers to be proactive. He stated since there are new staff members on board, this is a good opportunity to create the planning tool.

O’Gorman stated that long term planning would be allowed by the decision support tool instead of having year to year short term plans.

Peddie asked who would maintain the planning tool after its creation. Campbell stated that the Village Manager, Public Services Director, and Planning/Zoning Administrator would maintain the planning tool.

O’Gorman asked if the decision tool would be a value added to Administration. Campbell stated that the tool would help provide continuity and would serve as a training tool moving forward. It would also allow for both short and long term priorities in one place.

George stated that if Council members had any modifications or feedback on this topic, to get those to Campbell in writing. He thanked Mitchell for attending the meeting to answer questions.

SECOND ANNOUNCEMENT OF A VACANCY ON THE PLANNING COMMISSION

There is a vacancy on the Planning Commission for a partial term ending June 30, 2023. The first announcement of the vacancy was made at the October 4th Village Council meeting.

The Planning Commission generally meets on the fourth Wednesday of the month at 7:30 p.m. The Planning Commission advises the Village Council regarding the proper physical development of Beverly Hills. The Commission recommends ordinances or amendments to existing ordinances. It also makes recommendations on zoning changes, site plan developments, and special approval uses.

All interested and eligible residents of Beverly Hills are encouraged to apply to become a member of the Planning Commission. Applications are available on the Village website or by emailing the Village Clerk at krutkowski@villagebeverlyhills.com. Applications may be submitted to the Clerk’s office via email, regular mail, in person, or using the drop box located outside the Village office (18500 W. 13 Mile Road, Beverly Hills, MI 48025).

Applications are due Tuesday, October 25, 2022.

The anticipated date for making an appointment to the Commission is November 1, 2022.

This constitutes the second announcement of a vacancy on the Planning Commission.

ACCEPT KATHLEEN TOOTELL’S RESIGNATION FROM THE BIRMINGHAM AREA CABLE BOARD AND FIRST ANNOUNCEMENT OF A VACANCY ON THE BIRMINGHAM AREA CABLE BOARD

Kathleen Tootell recently submitted her resignation from the Birmingham Area Cable Board effective immediately due to scheduling conflicts. This creates a vacancy on the Cable Board for a partial term ending June 30, 2023.

The Birmingham Area Cable Board meets on the third Wednesday of every other month at 7:45 a.m. in the Village Council Chambers. The Cable Board advises the Village Council as to all matters related to cable television. The Board monitors performance of franchisee and compliance with the franchise agreement. It acts as liaison between residents and franchisee and oversees the Cable Administrator and Municipal Access Channel.

All interested and eligible residents of Beverly Hills are encouraged to apply to become a member of the Cable Board. Applications are available on the Village website or by emailing the Village Clerk at krutkowski@villagebeverlyhills.com. Applications may be submitted to the Clerk's office via email, regular mail, in person, or using the drop box located outside the Village office (18500 W. 13 Mile Road, Beverly Hills, MI 48025).

Applications are due Tuesday, November 8, 2022.

This constitutes the first announcement of a vacancy on the Birmingham Area Cable Board.

George thanked Tootell for her service to the community.

Motion by Hrydziuszko, second by Abboud, the Beverly Hills Village Council accepts Kathleen Tootell's resignation from the Birmingham Area Cable Board and makes the first announcement of a vacancy on the Cable Board for a partial term ending June 30, 2023.

Motion passed.

PUBLIC COMMENTS

Chester Dawson, Red Oaks Trail, inquired about the Council's thought process for raising water/sewer rates.

Roger Buck, Glencoe, strongly supports the planning tool mentioned earlier in the meeting to indicate the Village's priorities. He spoke about a damaged pipe on his property and stated there have been three main breaks on his block, which are expensive to repair. He said planning is dynamic and changes over time.

MANAGER'S REPORT

Water Testing – The Village has completed its annual water testing. The State of Michigan mandates that water suppliers test the local water supply for levels of lead and copper. Village staff, with the help of residents, were able to test the water at 30 different homes. We have received the results and sent that information back to each resident and to the State of Michigan. I am pleased to report that all samples taken this year were completely safe. No samples came close to the State's maximum level for lead or copper.

Survey on Deer Management - Over the past several years, cities, villages, and townships throughout Oakland County have been receiving an increasing number of calls and emails from residents regarding deer concerns. The Village of Beverly Hills is a member community of a greater Oakland County Deer Management Coalition. As a resident of Oakland County, we would greatly appreciate your input on this important community issue. Please take a minute to complete this short survey before November 11, 2022. The survey can be found at: <https://www.cobaltcommunityresearch.org/deer.html>

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The survey link is also available on the Village website under “Latest News.” Thank you in advance for your time and feedback.

Halloween Hoot - The annual Halloween Hoot will be held on Saturday, October 22nd at Beverly Park. Wear a costume and grab a flashlight for trick-or-treating around the friendly Hoot trail from 6:00 to 8:00 p.m.! Children must be accompanied by an adult. We will have over 25 decorated treat stations this year. Special thanks to the Parks & Recreation Board for planning the event.

O’Gorman asked for an update on the 14 Mile Road construction. Campbell stated that the contractor was paving the southside of the road today and it should be reopened for traffic in early November.

O’Gorman asked how the construction updates are being communicated to residents. Campbell said that the Village will post an update in the weekly email blast, etc.

Mooney commented on the Michigan Natural Resources Trust Fund application for the acquisition of the Wendbrook property. He stated that it would be a \$1.5 million grant, with a \$500,000 private donation match for the property. He said all other features or improvements would be paid for by taxpayer dollars or other grants.

O’Gorman added that there are several other funding sources to help pay for Wendbrook improvements, should the Village receive the acquisition grant.

COUNCIL COMMENTS

O’Gorman stated that the comment on communication earlier in the meeting resonated with him. He said that people consume information by different means and there is a notion that simple is better.

Abboud stated that the MML Convention is being held in Muskegon this week. He will attend the EOA Board of Directors meeting while he is there. He talked about funding going toward the Blueprint for Healthy Aging. The Senior Advisory Council is working on defining exactly what a senior center is. There was a Next meeting at 8:00 this morning. Next’s Big Night Out event is sold out. He talked about Next’s mentor program with High School Seniors.

Mooney stated that both he and President George agree that the aging infrastructure needs to be addressed and worked on. He suggested a little less conversation and a little more action. In reference to water bills, he said he is sick that the Village is supporting areas financially that are not part of the Village. He said Council wants to solve these issues without pricing residents out. He was not at the last meeting and said he was heartbroken to learn that Antonia Grinnan was leaving the Village. He talked about her contributions over the last several decades on the Zoning Board of Appeals, Planning Board, Village Council, and Planning Commission. He said she shared her vision with the community and that she and her husband, Joe, helped build a great, walkable subdivision. He thanked Grinnan for her service, support with the parks, and her vision. He said she had a talent for keeping fellow board members in line. He also thanked Joe Grinnan and their two wonderful daughters, Rachel and Claire.

Hrydziuszko said the last Java & Jazz for the season was on Sunday, October 16. She said there was a good mix of returning and new residents at the show. She said that the Halloween Hoot is

coming up on Saturday, October 22 and that volunteers are still needed for set up and clean up. She said that as a Council member, she is doing her best to set the Village up for success in the future. She said collaboration is important. Being able to disagree and still come out with a solution is what makes the Council effective. She said the Council is here to collaborate and represent residents.

George said he understands Tobaben's concerns and thinks the terms communication and transparency are oftentimes conflated. He said there are ways to communicate better. He stated that the water rate issue was discussed during budget meetings. He talked about setting priorities. He said the water line project is very expensive. He also noted that after conducting a water rate comparison with neighboring communities, Beverly Hills was on the low end. He talked about infrastructure planning and said that having grant money to spend is a good problem to have. He said there are competing interests throughout the village. He noted that Beverly Park went through an evolution as can be seen from aerial views through Oakland County's Property Gateway feature. He noted the grant application for Wendbrook is for acquisition only and that there are other grants available for development. He said that the next meeting on November 1st will be Peddie's last meeting. He noted that outgoing Planning Commissioner Grinnan will be recognized at the November 1st meeting as well.

CLOSED SESSION TO DISCUSS COLLECTIVE BARGAINING AGREEMENT NEGOTIATIONS

The following Resolution was offered by Mooney with support from Abboud:

WHEREAS, at the regular Village Council Meeting held on Tuesday, October 18, 2022, Village Council desires to go into closed session to discuss union negotiations.

NOW, THEREFORE, BE IT RESOLVED that the Village of Beverly Hills hereby agrees to meet in Closed Session, as permitted by the Open Meeting Act MCL 15.268(c) at the Regular Meeting held on Tuesday, October 18, 2022, at 7:30 p.m., Michigan Time, at the Village of Beverly Hills, 18500 W. Thirteen Mile Road, Beverly Hills, Michigan, 48025. The purpose of the Closed Session is to discuss collective bargaining negotiations with the Village Labor Attorney, Ms. Gouri Sashital.

Roll Call Vote:

Motion passed (6-0)

The Council entered Closed Session at 9:35 p.m.

The regular meeting resumed at 10:13 p.m.

ADJOURNMENT:

Motion by Mooney, second by Abboud, to adjourn the meeting at 10:14 p.m.

Motion passed.

John George
Council President

Kristin Rutkowski
Village Clerk

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TO PRESIDENT GEORGE & MEMBERS OF THE VILLAGE COUNCIL. THE FOLLOWING IS A LIST OF
EXPENDITURES FOR APPROVAL. ACCOUNTS PAYABLE RUN FROM 10/11/2022 THROUGH 10/24/2022.

ACCOUNT TOTALS:

101	GENERAL FUND	\$126,766.96
202	MAJOR ROAD FUND	\$12,642.63
203	LOCAL STREET FUND	\$17,609.33
205	PUBLIC SAFETY DEPARTMENT FUND	\$141,011.65
285	RETIREE HEALTH CARE FUND	\$8,357.87
592	WATER/SEWER OPERATION FUND	\$50,457.48
701	TRUST & AGENCY FUND	\$812.50
	TOTAL	<u>\$357,658.42</u>
	MANUAL CHECKS- COMERICA	\$2,662.56
	MANUAL CHECKS- INDEPENDENT	\$0.00
	ACCOUNTS PAYABLE	<u>\$360,320.98</u>
	GRAND TOTAL	<u>\$360,320.98</u>

10/24/2022 12:40 PM
User: JAY
DB: Beverly Hills

CHECK REGISTER FOR VILLAGE OF BEVERLY HILLS
CHECK DATE FROM 10/11/2022 - 10/24/2022

Page: 1/2

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank COM COMERICA					
10/21/2022	COM	86113	59636	COSTCO WHOLESALE	2,662.56
10/24/2022	COM	86114	MISC	ACORN KITCHEN AND BATH	400.00
10/24/2022	COM	86115	51160	ALLIANCE MOBILE HEALTH	148.00
10/24/2022	COM	86116	60217	AMAZON CAPITAL SERVICES	86.89
10/24/2022	COM	86117	53284	APPLIED INNOVATION	37.15
10/24/2022	COM	86118	51802	ARROW OFFICE SUPPLY CO.	186.34
10/24/2022	COM	86119	59419	AXON ENTERPRISE, INC.	9,288.00
10/24/2022	COM	86120	MISC	BASEMENT CRACKS	400.00
10/24/2022	COM	86121	32748	BEIER HOWLETT, P.C.	812.50
10/24/2022	COM	86122	51409	BEVERLY HILLS ACE	86.93
10/24/2022	COM	86123	30861	BLUE CARE NETWORK	44,257.19
10/24/2022	COM	86124	52071	BLUE CROSS BLUE SHIELD	34,167.09
10/24/2022	COM	86125	MISC	BRUTELL ROOFING INC	300.00
10/24/2022	COM	86126	50822	BS&A SOFTWARE	6,566.00
10/24/2022	COM	86127	59779	CANFIELD EQUIPMENT SERVICE INC	21,753.38
10/24/2022	COM	86128	03700	CARRIER & GABLE	925.75
10/24/2022	COM	86129	60751	CASS CASUCCI	403.00
10/24/2022	COM	86130	60614	CINDI DINKINS	1,050.00
10/24/2022	COM	86131	59347	CINTAS CORPORATION #31	156.97
10/24/2022	COM	86132	31925	COALITION OF PUBLIC SAFETY	17,627.74
10/24/2022	COM	86133	51439	COMCAST	141.85
10/24/2022	COM	86134	04500	COMEAU EQUIPMENT CO INC.	30,922.88
10/24/2022	COM	86135	50826	CONSUMERS ENERGY	578.58
10/24/2022	COM	86136	59589	CORE & MAIN	284.20
10/24/2022	COM	86137	51052	DELL MARKETING L.P.	4,059.26
10/24/2022	COM	86138	53356	EJ USA, INC.	692.31
10/24/2022	COM	86139	30685	ERIC KOENIG	1,050.00
10/24/2022	COM	86140	58795	G&M ENTERPRISES, LTD.	3,481.75
10/24/2022	COM	86141	60206	GREAT LAKES WATER AUTHORITY	2,011.96
10/24/2022	COM	86142	53583	GUARDIAN	7,125.65
10/24/2022	COM	86143	49646	GUNNERS METERS & PARTS INC.	135.00
10/24/2022	COM	86144	32578	HOWARD SHOCK	1,050.00
10/24/2022	COM	86145	59010	HUNT SIGN COMPANY	780.00
10/24/2022	COM	86146	60750	HURON VALLEY GUNS	479.94
10/24/2022	COM	86147	39070	J.H. HART URBAN FORESTRY	1,200.00
10/24/2022	COM	86148	59423	JAMES HEALY	340.00
10/24/2022	COM	86149	33083	JAX KAR WASH	629.16
10/24/2022	COM	86150	50770	JENNIFER RUPRICH	59.88
10/24/2022	COM	86151	30521	JOHN MILLIRON	1,050.00
10/24/2022	COM	86152	09300	KELLER THOMA	1,487.50
10/24/2022	COM	86153	MISC	KOENIG, JARED	200.00
10/24/2022	COM	86154	53316	LANG'S ON-SITE SERVICES	282.00
10/24/2022	COM	86155	51792	LEXISNEXIS RISK SOLUTIONS	150.00
10/24/2022	COM	86156	60235	LINDA JOHNSON	250.00
10/24/2022	COM	86157	31794	MICHAEL MILES	1,050.00
10/24/2022	COM	86158	60412	MICHIGAN BEER GROWLER COMPANY	260.00
10/24/2022	COM	86159	59330	MIKE SAVOIE CHEVROLET	189.29
10/24/2022	COM	86160	59073	NATIONAL ASSOC. OF CHIEFS OF POLICE	60.00
10/24/2022	COM	86161	59112	NEXT	43,375.00
10/24/2022	COM	86162	51799	NYE UNIFORM EAST	923.71
10/24/2022	COM	86163	51540	O'REILLY AUTO PARTS	202.33
10/24/2022	COM	86164	51751	O.C.W.R.C.	39,869.83
10/24/2022	COM	86165	50830	OAKLAND COUNTY TREASURER'S	6,852.25
10/24/2022	COM	86166	32923	PAUL CHICKENSKY	1,050.00
10/24/2022	COM	86167	58784	POWER CLEANING SYSTEMS, INC.	125.93
10/24/2022	COM	86168	15300	PRINTING SYSTEMS	352.28
10/24/2022	COM	86169	59122	RAPID RESPONSE	89.99
10/24/2022	COM	86170	50466	ROGER ST. JEAN	12.00
10/24/2022	COM	86171	60684	ROYAL ROOFING COMPANY, INC	6,975.00
10/24/2022	COM	86172	60495	RYAN BILLS	600.00
10/24/2022	COM	86173	16500	S.O.C.R.R.A.	32,740.38
10/24/2022	COM	86174	39048	SOUTHFIELD TOWNSHIP	119.13
10/24/2022	COM	86175	MISC	STARRS ROOFING	300.00
10/24/2022	COM	86176	60366	STATE OF MICHIGAN	8,685.00
10/24/2022	COM	86177	17700	SUNSET MAINTENANCE SERVICE	1,200.00
10/24/2022	COM	86178	60719	TOM TRICE	50.00
10/24/2022	COM	86179	51066	UNEMPLOYMENT INSURANCE AGENCY	4,706.00
10/24/2022	COM	86180	38205	VERIZON WIRELESS MESSAGING	675.42
10/24/2022	COM	86181	60555	VERSADIAL SOLUTIONS	900.00
10/24/2022	COM	86182	60683	WASHTENAW COMMUNITY COLLEGE	2,577.00
10/24/2022	COM	86183	53564	WEX BANK	5,718.33
10/24/2022	COM	86184	53572	WOW! BUSINESS	586.70
10/24/2022	COM	86185	20900	ZIP ETC INC	318.00

COM TOTALS:

Total of 73 Checks:	360,320.98
Less 0 Void Checks:	0.00

10/24/2022 12:40 PM

CHECK REGISTER FOR VILLAGE OF BEVERLY HILLS

Page: 2/2

User: JAY

CHECK DATE FROM 10/11/2022 - 10/24/2022

DB: Beverly Hills

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Total of 73 Disbursements:					360,320.98



To: Honorable President George; Village Council Members

From: Kristin Rutkowski, Village Clerk/Assistant Village Manager

Subject: Public Hearing for Draft 5-Year Community Recreation Plan

Date: October 26, 2022

Over the last several months, the Parks & Recreation Board and Administration have been working to update the Village's 5-Year Community Recreation Plan. After conducting a survey, gathering community input, and making revisions, the draft plan has been published for review.

Procedurally, the draft plan must be available to the public for review for thirty days. Then, the Village Council can hold a public hearing to receive comments on the plan and formally adopt the plan at their first meeting in December.

At the October 20, 2022 Parks & Recreation Board meeting, Chairperson Borgon announced that the draft 5-Year Community Recreation Plan will be available for public review on the Village website (www.villagebeverlyhills.com) and at the Village Office (18500 W. 13 Mile Road, Beverly Hills, MI 48025) beginning Friday, October 21, 2022. Residents will also be notified of the draft plan's availability via the Village's weekly email blast and on the Village Facebook page. Written comments may be submitted to the Village Clerk via email at krutkowski@villagebeverlyhills.com or via mail to 18500 W. 13 Mile Road, Beverly Hills, MI 48025 by 4:30 p.m. on December 6, 2022.

In order to be eligible for grant funding through the Michigan Department of Natural Resources (DNR), the plan must be submitted to the DNR by February 1, 2023.

At the October meeting, the Parks & Recreation Board recommended that the Village Council set a public hearing date for Tuesday, December 6, 2022 at 7:30 p.m. to receive comments on the proposed 5-Year Community Recreation Plan. Further, after the public hearing has concluded, the Parks & Recreation Board recommended the Village Council approve the 2023-2028 5-Year Community Recreation Plan as submitted.

Suggested Motion:

The Beverly Hills Village Council sets a public hearing date of Tuesday, December 6, 2022 at 7:30 p.m. in the Village Council Chambers located at 18500 W. 13 Mile, Beverly Hills, MI to receive comments on the draft 5-Year Community Recreation Plan.



To: Honorable President George; Members of Village Council
Jeffrey Campbell, Village Manager

From: Kristin Rutkowski, Village Clerk/Assistant Village Manager

Subject: 2023 Community Development Block Grant Public Hearing

Date: October 26, 2022

The Village of Beverly Hills participates as a sub-recipient for Community Development Block Grant (CDBG) funding through a partnership with Oakland County. The County has notified us that applications for Program Year 2023 are due on December 23, 2022. One of the requirements for receiving Community Development Block Grant funding is to hold a public hearing to review the upcoming year's CDBG proposal prior to submittal. Therefore, it is recommended that we schedule a public hearing date of Tuesday, December 6, 2022 for review of the Program Year 2023 Community Development Block Grant proposal.

Suggested Motion:

The Beverly Hills Village Council directs Administration to notice a Public Hearing to be held on Tuesday, December 6, 2022 at 7:30 p.m. at 18500 W. 13 Mile Road, Beverly Hills, MI 48025 to receive comments on the proposal for the 2023 Community Development Block Grant funding allocation.



To: Honorable President George; Village Council Members

From: Kristin Rutkowski, Village Clerk/Assistant Village Manager

Subject: Planning Commission Appointment

Date: October 26, 2022

There is a vacancy on the Planning Commission for a partial term ending June 30, 2023.

The Village received two applications to fill the vacancy from residents Jonathan Hartzell and Susan Simon. We thank both applicants for their interest in serving on the Commission.

A subcommittee has been formed to meet with the applicants and offer a recommendation to Council. The subcommittee meeting will be held on Tuesday, November 1, 2022 at 7:15 p.m. in the conference room located at 18500 W. 13 Mile Road, Beverly Hills, MI 48025. The subcommittee consists of Councilmember Peddie (chair), Councilmember Abboud, and President George.

Suggested Resolution:

Be it resolved, the Beverly Hills Village Council appoints _____ to the Planning Commission for a partial term ending June 30, 2023.



To: Council President John George and Village Council

From: Jeff Campbell, Village Manager

Subject: 1st Reading of Proposed Ordinance Amendments to Chapter 30 (Surface Water Drainage) and Chapter 22 (Zoning Ordinance) to meet EGLE Post-Construction Storm Water Runoff Requirements

Date: October 26, 2022

The Administration is requesting Village Council consider amendments to several Village of Beverly Hills Ordinances to address post-construction storm water runoff requirements. More specifically, we are requesting amendments to the Zoning Ordinance, Sections 22.08 (General Provisions), 22.09 (Site Plan Development), and Chapter 30 (Surface Water Drainage).

The Village is required to comply with federal requirements for storm water management. The Michigan Department of Environment, Great Lakes, and Energy (EGLE) issues the permits that contain these requirements. One of the requirements is to manage storm water running off newly developed or redeveloped sites to reduce the discharge of pollutants into the Rouge River and to control the flow of water to reduce flooding and protect streambanks. EGLE and Oakland County have recently reached an agreement on the engineering standards to be used to meet these requirements. The Village can adopt these standards to comply with our permit requirements.

EGLE requires that a local government's post-construction storm water runoff program be implemented through an ordinance or other regulatory mechanism.

The proposed post-construction storm water runoff program includes all the following components:

- Water Quality Treatment Performance Standard
- Channel Protection Performance Standard
- Site-Specific Requirements for Contaminated Sites and Potential Hot Spots
- Site Plan Review
- Operation and Maintenance (O&M) Requirements for Best Management Practices
- Enforcement Response Procedure (including Tracking)

Chapter 30, along with the proposed amendments, in their entirety, are attached to this memorandum. These proposed changes were co-authored by our engineering firm, HRC, and reviewed and approved by

EGLE and the Village Attorney. All proposed changes to the Ordinances are in red font. Further, Oakland County's MS4 permit is attached that includes Oakland County's Post-Construction Water Runoff standards. Pages 8 – 9 of the permit addresses the County's Post-Construction Water Runoff standards.

On September 28, 2022, the Planning Commission conducted a public hearing on proposed amendments to Sections 22.08 and 22.09 of the Zoning Ordinance. The Planning Commission recommended that the Village Council approve the amendments to Section 22.08 and 22.09.

Following a public hearing at the November 1, 2022 Village Council meeting, the Village Attorney will conduct the first readings of proposed Ordinances 383, 384, and 385.

VILLAGE OF BEVERLY HILLS
ORDINANCE NO. 383

AN ORDINANCE TO AMEND THE VILLAGE MUNICIPAL CODE,
CHAPTER 22, ZONING ORDINANCE, FOR THE VILLAGE OF BEVERLY HILLS.

The Village of Beverly Hills Ordains:

Section 1.01. That Section 22.08.290 Site Plan Review of Chapter 22 is hereby amended to add the following language to read as follows:

SECTION 22.08.290(e)(9) SITE PLAN REVIEW

9. Appropriate measures shall be taken to ensure that the removal of surface waters will not adversely affect adjoining properties or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm water facilities, and the prevention of erosion and dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicles or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. **All stormwater drainage and erosion control plans shall meet the standards adopted by the Village and Oakland County for design and construction.**

Section 2.01. SEVERABILITY. If any section, clause or provision of this Ordinance shall be declared to be inconsistent with the Constitution and laws of the State of Michigan and voided by any court of competent jurisdiction, said section, clause or provision declared to be unconstitutional and void shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force.

Section 3.01. SAVING CLAUSE. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 4.01. REPEALER. Any Ordinance conflicting with this Ordinance be and the same is hereby repealed.

Section 5.01. EFFECTIVE DATE. A public hearing having been held by the Planning Commission on September 28, 2022, and the Village Council on November 1, 2022, the provision of this Ordinance shall become effective 20 days following its publication in The Eccentric, a newspaper circulated within said Village.

Made and passed by the Village Council of the Village of Beverly Hills this _____ day of _____, 2022.

John George, Village President

KRISTIN RUTKOWSKI, Village Clerk

I, Kristin Rutkowski, being the duly appointed and qualified Clerk of the Village of Beverly Hills, Oakland County, Michigan, do hereby certify and declare that the foregoing is a true and correct copy of an Ordinance adopted by the Village Council of the Village of Beverly Hills at a regular meeting thereof held on the _____ day of _____, 2022.

KRISTIN RUTKOWSKI, Village Clerk

22.08 GENERAL PROVISIONS

22.08 GENERAL PROVISIONS.

22.08.010 CLASSIFICATION OF ANNEXED AREAS. All territory annexed to the Village of Beverly Hills shall automatically be classified R-1 Single Family Residential Zone District.

22.08.020 ZONING OF VACATED STREETS. Whenever any street, alley or other public way shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same Zone District as the property to which it attaches.

22.08.030 USE REGULATIONS. Except as otherwise provided herein, regulations governing land and building use are hereby established as shown on the Schedule of Regulations, Section 22.24. Uses permitted in each district after special approval shall be permitted only in accordance with Section 22.08.300.

22.08.040 GENERAL AREA, HEIGHT, ETC. REGULATIONS. Except as otherwise provided herein, regulations governing the minimum lot width, lot area per dwelling unit, required open spaces, height of buildings and other pertinent factors are as shown on the Schedule of Regulations, Section 22.24.

22.08.050 LAND REQUIRED TO SATISFY REGULATIONS. No portion of a lot used in or necessary for compliance with the provisions of this Ordinance shall through sale or otherwise again be used to satisfy the zoning requirements of another lot.

22.08.060 EXCEPTIONS TO HEIGHT LIMITS.

a. The height limits of this Ordinance may be modified by the Zoning Board of Appeals in its application to radio transmitting and receiving or television antennae, chimneys or flagpoles, church spires, belfries, cupolas, domes, water towers, observation towers, power transmission towers, radio towers, masts, aerials, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, and other similar and necessary mechanical appurtenance pertaining to the permitted uses of the Zone Districts in which they are located.

b. The maximum height set forth in the Schedule of Regulations shall not apply to radio transmitting or television antennae that do not exceed the maximum permitted height of the building by more than ten feet (10').

22.08.070 CORNER LOT SETBACK ON THE SIDE STREET IN RESIDENTIAL ZONE DISTRICTS. Every corner lot in any residential Zone District which has on its side street an abutting interior residential lot, shall have a minimum setback from the side street equal to the minimum front setback for the Zone District in which such building is located; provided that this requirement shall not reduce the buildable width of any lot to less than thirty feet (30'). Where there is no abutting interior residential lot on said side street, the minimum side street setback shall be fifteen feet (15') for the permitted principal building and twenty feet (20') for permitted accessory buildings.

22.08.080 OBSTRUCTIONS TO VISION ON CORNER LOTS. On any corner lot in any Zone District, no wall, fence or other structure or any hedge, shrub or other growth shall be maintained at a height that would obscure vision of drivers properly using the street. {Ord. 292, 1-30-99}

22.08.090 MINIMUM DISTANCE BETWEEN RESIDENTIAL BUILDINGS. In Single Family Residential Zone Districts R-A, R-1, R-1A, R-2, and R-3 the minimum required distance between residential buildings on two (2) lots which abut each other along a common side lot line shall be not less than the sum of the two (2) required minimum side setbacks of either of the lots; provided, however, that when the lot to which the ordinance is being applied is less than sixty feet (60') in width, the minimum required distance between such residential buildings may be reduced by six inches (6") for every foot that the lot is less than sixty feet (60') in width. In Single Family Residential Zone Districts R-2A and R-2B the minimum required distance between residential buildings on two (2) lots which abut each other along a common side lot line shall not be less than fifteen (15) feet. {Ord 366, 7-20-19}

22.08.100 ACCESSORY BUILDINGS, STRUCTURES AND USES IN RESIDENTIAL ZONE DISTRICTS.

- a. Attached accessory buildings shall be subject to the same setback and height requirements as principal buildings for the district in which they are located.
- b. No detached accessory buildings, structures, or uses shall be erected in the front or required side open space or within permanent easements.
- c. Detached accessory buildings or structures may occupy a portion of the rear open space and shall be at least five feet (5') from all adjoining lot lines and shall not exceed fifteen feet (15') in building height, except as otherwise provided herein.
- d. On corner lots where a rear open space abuts a side open space, detached accessory buildings on the corner lot shall have a minimum setback from the rear lot line a distance equal to the least side setback required for the lot abutting the corner lot.
- e. No more than two accessory buildings shall be located on a single-family residential lot.
- f. The total floor area of all accessory buildings shall not be greater than fifty percent (50%) of the usable floor area of the principal building, except that a minimum of five hundred (500) square feet is permitted by right where this requirement would result in a lesser area.
- g. Garage doors facing the street shall not exceed a total length of 24 feet in cumulative total and shall not exceed a height of 9 feet.
- h. Accessory buildings intended as garages are to be used for the storage of noncommercial vehicles, except that no more than one commercial vehicle of up to 10,000 pounds of gross vehicle weight may also be stored.
- i. Accessory buildings shall be designed so that no exterior wall length is greater than two-times the length of any other exterior wall of that accessory building, unless otherwise approved by the Planning Board upon a finding of no adverse impact to the surrounding neighborhood. {Ord. 328, 5-2-09}

22.08.120 ACCESSORY BUILDINGS IN P, O-1 AND B ZONE DISTRICTS. No accessory building shall be erected in the front open space.

22.08.140 GRADES AND ELEVATION DIFFERENTIALS.

- a. The grading of all building lots shall be such to (1) divert water away from buildings, and (2) prevent standing water and soil saturation detrimental to structures and lot use and surrounding property.

b. The elevation differential is defined as the difference between the elevation of the final ground level (after landscaping at the front building line, equidistant from the side building lines, and the elevations of the crown of the road (at a point equidistant from the side building lines) abutting the front property line. If a sidewalk is in place, the elevation differential shall be based on the sidewalk elevation in lieu of the crown of road elevation.

c. The elevation differential for all buildings shall not be less than fifteen inches (15") nor more than twenty-four inches (24") except as hereinafter provided. A building under construction having foundations in place shall be considered an existing building.

d. All applicants for building permits shall submit with the permit application, plans showing:

1. The proposed grading plan for the entire lot.
2. The direction of flow of surface water off the lot.
3. The gradient of all protective slopes around proposed buildings.
4. The elevation differential of all proposed buildings and the elevation differential of all existing buildings within one hundred feet (100').

e. Variances may be granted from the requirement of subsection (c) by the Zoning Board of Appeals if adequate provisions are made and approved by the Village Engineers to prevent run off water from flowing onto adjacent property.

22.08.150 FENCE, WALL, AND PRIVACY SCREEN REGULATIONS.

Purpose and intent: It is hereby determined that regulation of the location, size, placement and certain features of fences, walls, and privacy screens is necessary to enable property owners to provide physical boundaries and privacy on private property without difficulty and confusion, to promote traffic safety, and safeguard public health and welfare.

Fences, walls, and privacy screens are permitted subject to the following:

A. General Requirements:

1. Permit. No fence, wall or privacy screen shall be erected, replaced or altered by more than 25% of the vertical area of any side until a permit has been issued. An application for a permit shall be filed with the Building Official, accompanied by a fee as set forth in the Village's permit fee schedule and with sufficient information to determine that the proposed structure meets the requirements of this ordinance, including drawings or sketches showing at least the following:

- a. Location of the fence, wall or privacy screen in relation to lot lines, principal building, other structures, driveways, sidewalks, bikeways, roadways, rights-of-way and easements within 25 feet of the proposed location.
- b. Dimensions and design or style of the fence, wall, or privacy screen including any variations by location.
- c. In the event that lot lines for the subject property cannot be located to the satisfaction of the Building

Official, the Building Official may require the applicant to establish lot lines on the property located by a licensed surveyor.

d. If a permit is issued it shall contain language indicating the village permit does not relieve the applicant of compliance with the Homeowners Association regulations or deed restrictions if applicable.

2. Materials. Fences, walls and privacy screens shall be constructed of high quality, durable materials including brick, natural stone, vinyl with matte finish, treated wood or metal (such as wrought iron or painted aluminum). The use of razor wire, barbed wire, protruding spikes, nails, or any sharp point that could pose a hazard to person or animal, or elements that carry electricity are not permitted. Chain link, wire mesh, and similar materials are only permitted for fences in rear yards, but are not permitted to have wood, plastic, or other material inserts. Fences, walls, and privacy screens must be substantially similar in material, color, and style.

3. Location. Any fence, wall, or privacy screen shall be located entirely inside and shall not project beyond the perimeter of the private property of the person constructing it. A fence, wall, or privacy screen may not be attached to, or touch, a fence, wall, or privacy screen located on another lot without the written consent of both owners. In every case, fences, walls, and privacy screens must be designed and constructed as a stand-alone structure. Any existing perimeter fencing, wall, or privacy screen must be removed prior to installation of new fencing, wall, or privacy screens at that lot line. In the event the existing fence, wall, or privacy screen is on the neighboring property, a four (4) inch gap between the established grade and bottom of the fence or privacy screen is required to allow the maintenance of grasses and/or weeds between the structures.

4. Height. The vertical dimension of any fence, wall, gate or column shall be measured from the lowest finished grade on both sides of any such fence, wall, gate or column to any point on top of the fence, wall, gate or column, including any ornamental features.

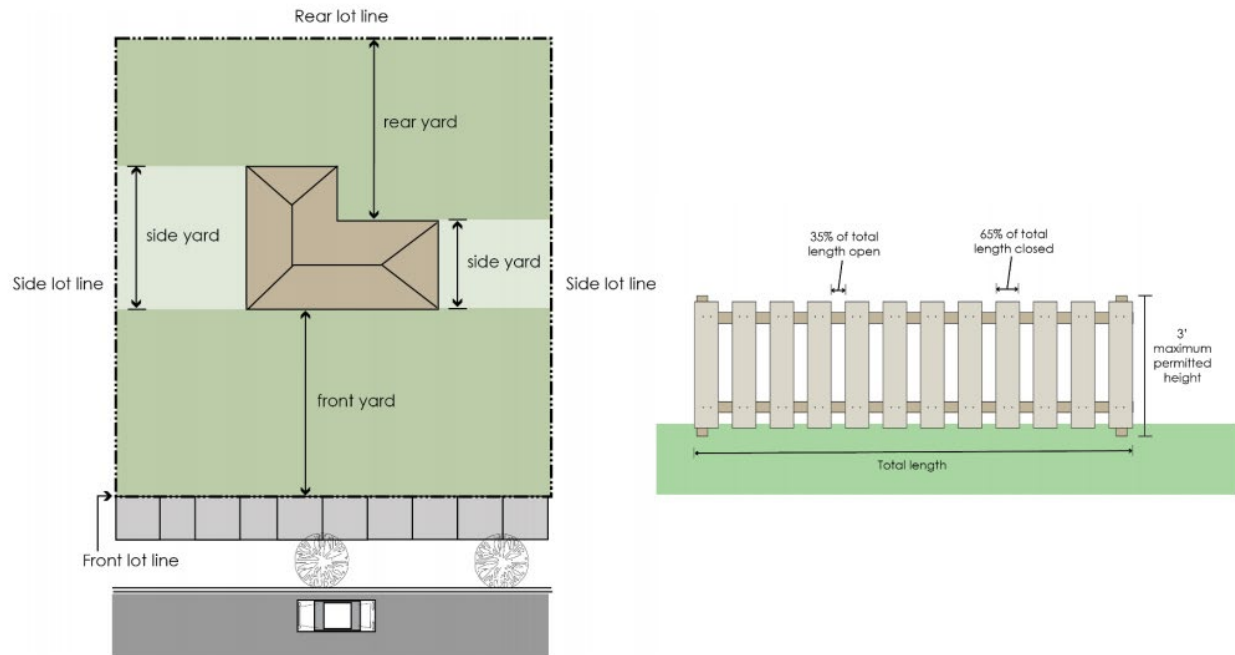
5. Orientation of Finished Appearance. When one side of the fence or wall has a more finished appearance than the other, the side with the more finished appearance shall face the exterior of the lot.

6. Obstruction. No fence, wall, or privacy screen shall be erected where it would unreasonably obstruct the continued use of, or safe access to any abutting property. Fences, walls or privacy screens located adjacent to a driveway or a street corner shall be designed not to obscure the vision of drivers properly using the street.

7. Maintenance. Fences, walls and privacy screens shall be constructed in accordance with the adopted Michigan Building Code/Michigan Residential Code and shall be maintained in good condition. Surfaces shall be painted, stained, or constructed of decay resistant materials to protect and preserve the safety and appearance of the structure. If a fence, wall, or privacy screen is found to be in need of repair by the Building Official, the Building Official shall issue orders to the owner to complete the repair. Failure to comply with written notice from the Building Official ordering completion of the repairs shall constitute a violation of this ordinance. If more than 25% of the area of any side of a fence, wall or privacy screen requires reconstruction in any 12 month period, the entire fence, wall or privacy screen shall be brought into compliance with this ordinance.

8. Definitions. For the purposes of this section, the definition of yard locations is as follows:

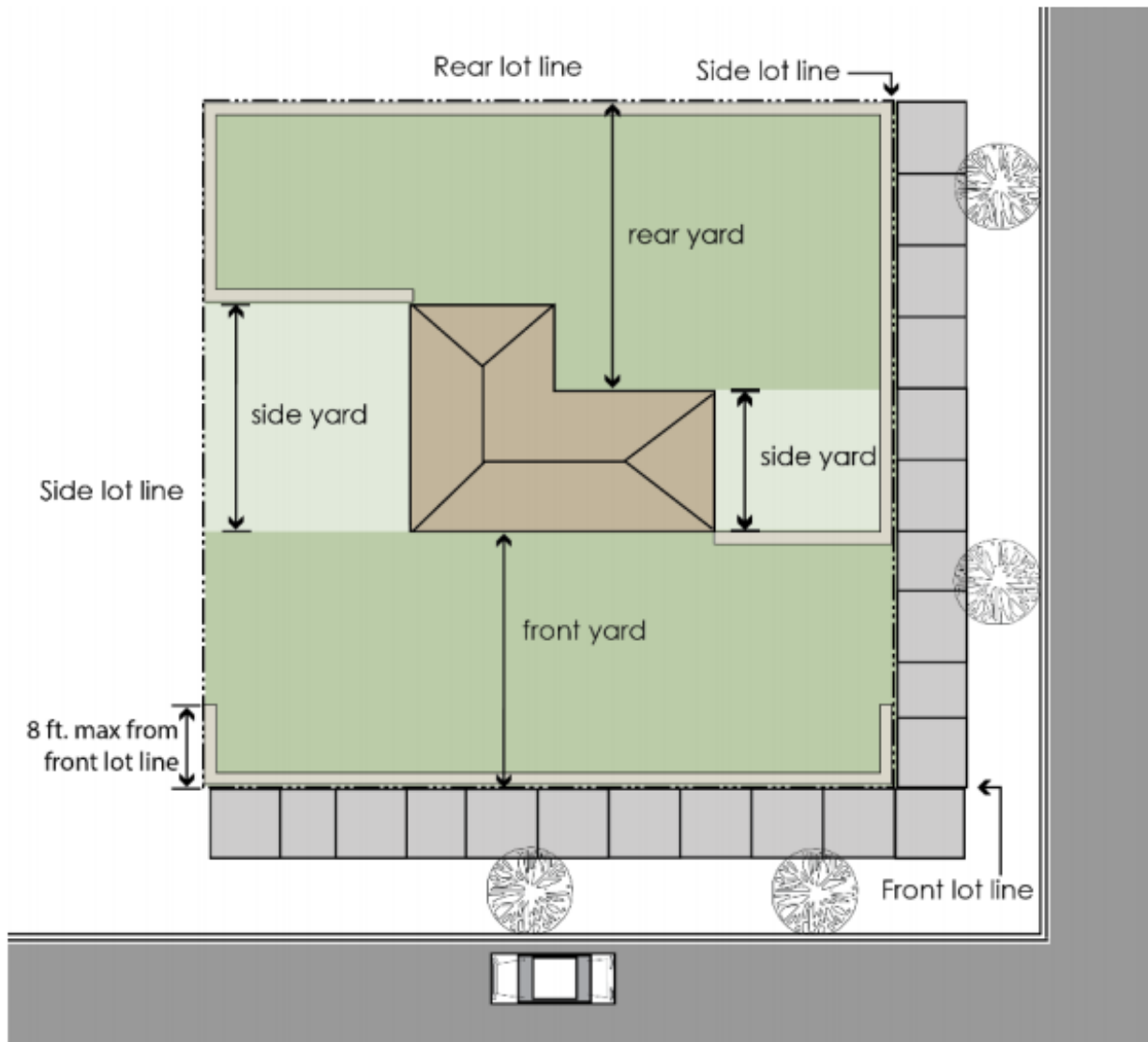
- a. Front Yard: The full width of the lot enclosing the area bounded by the front lot line, the side lot lines, and the front building line.
- b. Rear Yard: The full width of the lot enclosing the area bounded by the rear lot line, the side lot lines, and the rear building line.
- c. Side Yard: The area on both sides of the principal structure on a lot which is bounded by the side lot lines, the rear building line, and the front building line.



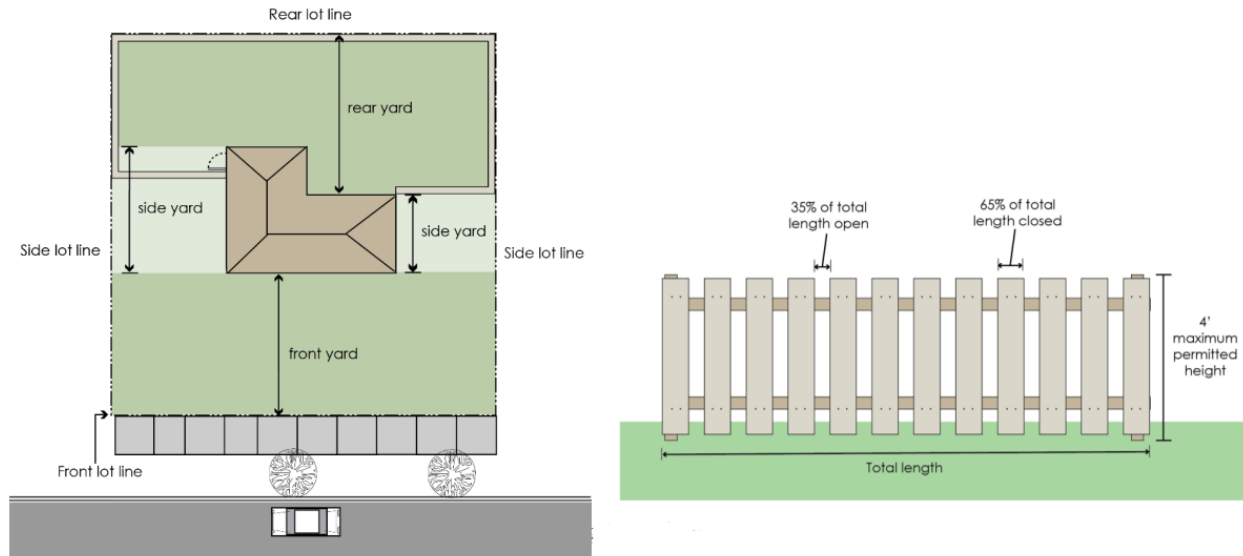
B. Requirements in Single Family Residential Districts:

1. Fences: Fences with a vertical surface area that is at least 35% open to air and light are permitted subject to the following:

- a. Front Yard: A fence in the front yard shall not exceed three (3) feet in height above grade and shall not extend back toward the front of the principal building more than eight feet, except as provided for in {b} below.
- b. Side Yard: A fence in a side yard that abuts a road or street shall not exceed four (4) feet in height above grade. Fences are not permitted in side yards that do not abut roads or streets except as provided for in {c} below.



c. Rear Yard: A fence in a rear yard shall not exceed four (4) feet in height above grade and shall not extend toward the front of the lot farther than the rear of the house, except a fence may extend into the side yard only to enclose the side door entrance.



2. Fences: Fences up to six (6) feet in height and/or up to 100% solid vertical surface area are permitted subject to Administrative or Planning Commission approval as follows.

a. Approval Standards:

Applicant must demonstrate that at least one of the following conditions is met for Administrative approval. Administration has the discretion to require review by the Planning Commission when there is a question of interpretation for consistency with the intent of this ordinance.

- Spacing between residences is less than that required by Section 22.08.090 or 22.24 of the Zoning Ordinance, whichever is applicable.
- The subject site is adjacent to a non-single family residential land use or Zone District or single family cluster development.
- The subject site cannot support vegetative screening in lieu of the proposed fencing. The applicant shall provide supporting documentation of this from a licensed landscape architect or certified arborist.
- At least one residential parcel within 200' of the subject site on that side of the street in that block or at least one abutting residential parcel contains permitted fencing of similar height and/or opacity. To document this, the applicant shall prepare a neighborhood lot study that includes a map of the study area and photograph(s) of existing fencing. An existing privacy screen as allowed in Section 3 Privacy Screens shall not be used as consideration for compliance with this standard.

In the event applicant does not meet any above criteria, applicant must demonstrate that at least one of the following conditions is met for Planning Commission approval. The property owner or occupant of any parcel(s) abutting the subject site shall be given fifteen (15) day notification of the date and time of the meeting at which the request shall be reviewed.

- The subject site and/or an abutting parcel has an unconventional lot, yard and/or dwelling orientation (i.e., side yard adjacent to rear yard, pie-shaped lot adjacent to rectangular lot, or those with multiple

parcels contiguous to a single lot line).

- Installation of such fencing would mitigate an essential safety and/or privacy concern.

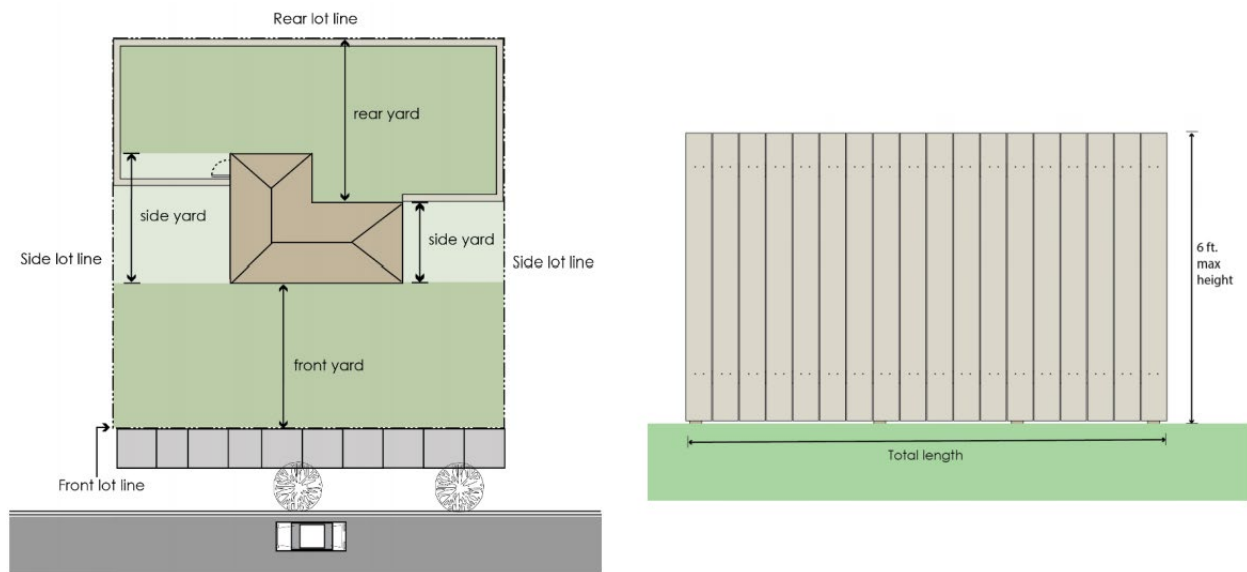
In addition to condition(s) above, applicant must demonstrate that all of the following conditions are met:

- The size, height and location of the fence does not endanger the public safety.
- The size, location, height, design, and materials of the fence are aesthetically in harmony with the property on which it is located.
- The proposed removal of vegetation and trees and disturbance to natural terrain has been minimized.
- The size, height, design, and location of the fence does not create a traffic or pedestrian hazard.

b. Front Yard: A fence higher than 3 feet above grade and/or less than 35% open to air/light is not permitted in the front yard.

c. Side Yard: A fence higher than 4 feet above grade in a side yard that abuts a road or street shall comply with accessory building setback requirements as described in Section 22.08.070. Fences are not permitted in side yards that do not abut roads or streets except as provided for in {d} below.

d. Rear Yard: A fence in a rear yard shall not extend toward the front of the lot farther than the rear of the house, except a fence may extend into the side yard only to enclose the side door entrance.



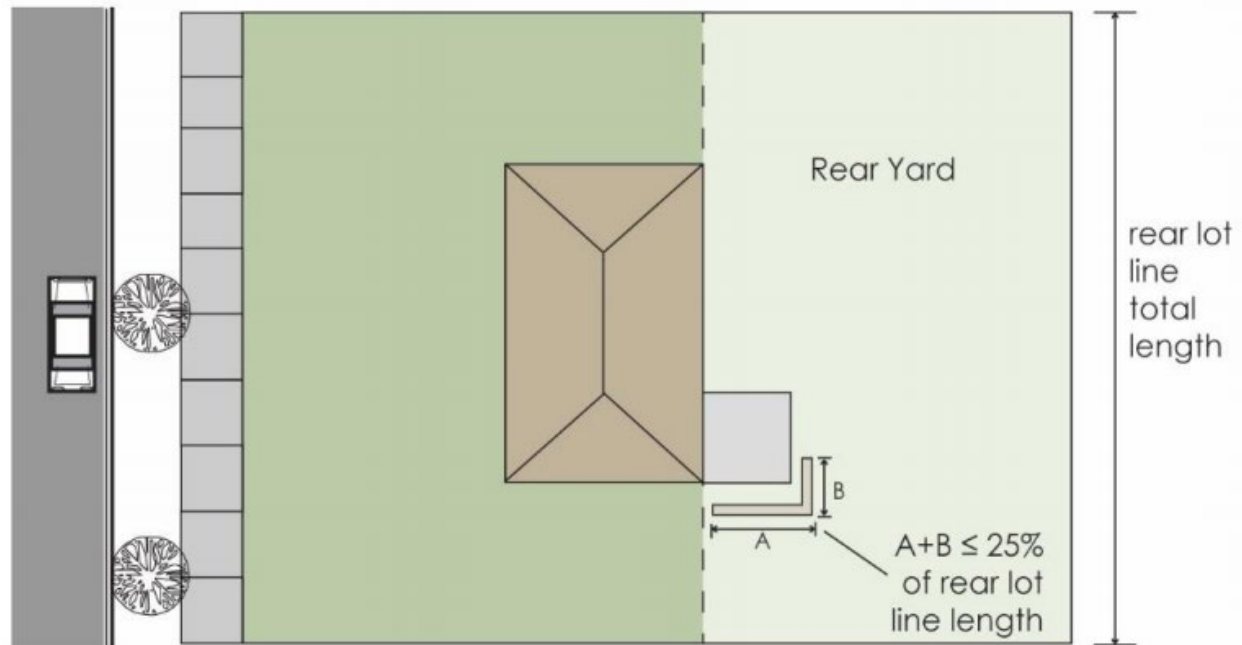
e. Support Posts: Vertical support posts may extend up to six inches above the allowable fence height.

3. Privacy Screens: Privacy screens that do not exceed six feet in height above grade are permitted as follows:

a. Properties in all single family residential zone districts may erect a privacy screen in the rear or side

yard to enclose an area on up to three sides, with a maximum total length that does not exceed 25% of the rear lot line length.

b. Properties where the rear yard abuts Southfield Road, Greenfield Road, or Thirteen Mile Road may erect a privacy screen along the perimeter of the rear yard that abuts these roads and may extend the privacy screen into the side yard only to enclose a side door entrance.



4. Walls: Walls may be used instead of a fence, provided the total height above grade does not exceed three (3) feet.

C. Amortization of Noncompliant Fences.

1. Any existing fences that are greater than 4 feet above grade and/or do not meet requirements for openness to air and light which have not received a permit or variance from the Zoning Board of Appeals shall be removed or brought into compliance with ordinance requirements by the 1st day of January 2019.

D. Fences, walls, or privacy screens are required in non-single family residential zones for the enclosing of areas of outside storage of goods, material or equipment and shall not be less than six feet and not greater than seven feet in height above grade.

E. Fences that enclose public or institutional playgrounds shall not exceed seven feet in height above grade and shall not obstruct vision to an extent greater than 25% of their total areas. Any fences or similar structures that enclose all or part of a public or institutional playground, athletic field, or similar use greater than seven feet in height above grade shall require Planning Commission approval.

F. Construction Fences. Refer to paragraph b (3) from Section 22.08.280 Regulation of Nuisance Activities. {Ord. 292, 1-30-99}{Ord. 362, 7-17-18}

22.08.160 WALL REQUIRED ON NONRESIDENTIAL ZONED OR USED PROPERTY ABUTTING PUBLIC OR RESIDENTIAL ZONED OR USED LOTS.

Control bumpers, setbacks and appropriate landscaping are required for off-street parking areas that abut a street, alley, Public Property or Residential Zone District. Lots that are utilized for nonresidential purposes shall provide and maintain buffer screening and/or a wall as determined by the Village Council. When a wall is required it shall comply with the following regulations:

a. Side: Where the side lot line of property utilized for nonresidential purposes abuts Public Property or a Residential Zone District in the same block, a wall shall be provided at a height of six feet above the parking area surface grade along the side lot line; provided the wall shall be reduced in height to three feet above grade within 25 feet of any right of way. This provision shall not apply to those portions of property along the side lot line that are occupied by a wall of permitted buildings.

b. Rear: Where the rear lot line of property utilized for nonresidential purposes abuts Public Property or a Residential Zone District in the same block and there is no alley, a wall shall be provided at a height of six feet above the parking area surface grade along the rear lot line; provided that the wall shall be reduced in height to three feet above grade within 25 feet of any right of way. In the case where the rear lot line of property utilized for nonresidential purposes abuts Public Property or a Residential Zone District in the same block across an alley, a wall shall be provided at a height of six feet along the rear lot line. This provision shall not apply to those portions of the rear lot line abutting an alley that is occupied by a wall of permitted buildings. {Ord. 292, 1-30-99}

22.08.170 PUBLIC OR PRIVATE ROAD FRONTAGE FOR RESIDENTIAL

PROPERTY. No residential building shall be erected on a lot, unless the lot abuts for a minimum of twenty-five (25) feet upon a public road or a private road that complies with all Village ordinances. Residential buildings may be permitted on a lot abutting a permanent access easement to a public road only if all of the following conditions are met:

a. The lot abuts the permanent unobstructed access easement for at least 25 feet.

b. The lot was created prior to March 25, 1992.

c. The permanent unobstructed access easement was recorded prior to March 25, 1992.

d. The permanent unobstructed access easement does not violate any ordinances of the Village.

e. Such building shall not be permitted nearer to such easement line than to the street line. Such street or easement shall not reduce the side yard open space of an existing residential building to less than eight (8) feet or reduce the rear open space to less than twenty (20) feet. {Ord. 256, 3-25-92}

22.08.180 DWELLING IN ACCESSORY BUILDING PROHIBITED. In all Zoning Districts, residential occupancy of any accessory building is expressly prohibited.

22.08.190 ESSENTIAL SERVICES. Essential services shall be permitted as authorized and regulated by law and other ordinances of the Village of Beverly Hills, it being the intention hereof to exempt such

essential services from the application of this Ordinance, except that all above-grade buildings hereunder shall be subject to site plan review in accordance with Section 22.08.290.

22.08.200 SALES OF CHRISTMAS TREES.

a. Other provisions of this Ordinance notwithstanding, Christmas trees may be stored, displayed and sold without the use of a building or structure:

1. By any person on property within any P, O-1 or B Business Zone District.
2. By churches, schools, or other nonprofit organizations on property owned by such institutions or organizations in any Zone District.

b. All trees, parts of trees, and any other refuse or debris resulting from aforementioned use, and all signs in connection therewith shall be removed from said property no later than the 26th day of December of the year the property is so used.

22.08.210 AUTOMOTIVE TRAILER CAMPS OR TOURIST CABINS PROHIBITED. No automotive trailer camps or tourist cabins shall be established, and automobile trailers, similar portable dwellings or tents shall not be permitted to be used or occupied as dwellings.

22.08.220 TEMPORARY AND PORTABLE BUILDINGS, USES AND STRUCTURES. The Zoning Board of Appeals may permit temporary buildings, structures, and uses for a period not to exceed six (6) months provided that all requirements and conditions relative to the type of structure and use, and timing and arrangements for termination and removal, are met. The Board of Appeals may require safeguards related to setbacks, screening, off-street parking considered necessary to protect the health, safety, welfare and comfort of inhabitants of the Village. Further, the Zoning Board of Appeals may require site plan approval and performance guarantee as conditions of approval. Trucks, truck trailers, vans or other passenger vehicles shall not be used for storage, warehousing, retail sales or service or offices.

Temporary and portable structures are permitted without Village approval when all of the following conditions below are met. Additionally, trucks, trailers, vans or other passenger vehicles shall not be used as a temporary and portable structure for storage, warehousing, offices, retail sales or service.

1. No more than one (1) such container may be used per property at any given time.
2. Such containers must be placed on a paved driveway surface of an occupied lot and shall not be located in an easement or right-of-way. Containers may be located on an unpaved surface for a period of not more than forty-eight (48) hours within the 14 days allowed in paragraph three below.
3. The maximum duration for use of such containers shall be fourteen (14) days within any six (6) consecutive months. A property owner may seek approval from the Village Administration for a longer duration.
4. If a longer duration is sought, the Village may require safeguards related to setbacks, screening, and off-street parking considered necessary to protect the health, safety, welfare and comfort of the inhabitants of the Village. The Village may require site plan approval and a performance guarantee as conditions of approval. {Ord. 347; 9-28-13}{Ord. 355; 11-28-15}

22.08.230 STORAGE OF OBNOXIOUS MATTER IN OPEN CONTAINERS PROHIBITED.

No compost heaps, garbage, filth, refuse or other obnoxious matter shall be kept in open containers, piled or laid on the open ground; and all containers shall be stored in such a way so as not be visible from any street.

22.08.240 TOPSOIL REMOVAL. The use of land for the removal of topsoil, sand, gravel or other material from the land is not permitted in any Zone District except under a Temporary Certificate from the Building Inspector after approval of the Village Council that such removal of material will not be below the normal grade as established from the nearest existing or proposed street, when such building grade has been established and approved by the Building Inspector and for which a Temporary Certificate may be issued in appropriate cases upon the filing of an application, accompanied by a suitable agreement or bond under Section 22.08.310 that such removal will not cause stagnant water or collect or leave the surface of the land at the expiration date of such permit, in an unsuitable condition or unfit for the growing of turf or for other land uses permitted in the Zone District in which the removal occurs. This regulation shall not prohibit the normal removal of soil for the construction of an approved building or structure when such plans have been approved by the Building Inspector, and a building permit has been issued for said building development.

22.08.250 STORAGE OR DUMPING ON OPEN LAND PROHIBITED. The use of open land for the open storage or collection or accumulation of lumber or man-made materials, or for the dumping or disposal of scrap metal, junk, parts of automobiles, trucks, and boats, tires, garbage, rubbish, or other refuse or of ashes, slag or other wastes or by-products shall not be permitted in any Zone District.

22.08.260 GOVERNMENTAL FUNCTIONS PERMITTED. The Village of Beverly Hills shall have the right to construct and maintain within the Village any building or structure required for the performance of its governmental or proprietary functions; provided that such building, structure or function shall conform to the regulations of the Zone District in which it is located and of this Ordinance, and be constructed so as to conform with the surrounding uses in so far as possible.

22.08.270 EASEMENTS. It shall be unlawful for any person to install erect or cause or permit the installation of a permanent structure (garage, building or large tree) on or across an easement of record which will prevent or interfere with the free right or opportunity to use or make accessible such easement for its proper use. Where public utilities now exist, a six foot (6') easement shall be maintained.

22.08.280 REGULATION OF NUISANCE ACTIVITIES.

a. No activity or use shall be permitted on any property which by reason of the emission of odor, fumes, smoke, vibration, noise or disposal of waste is deleterious to other permitted activities in the Zone District or if obnoxious or offensive to uses permitted in neighboring Zone Districts.

b. All properties shall be in compliance with the Building Department Construction Site Maintenance Requirements while under a valid permit for construction. {Ord. 358; 4-15-17} {Ord. 368; 7-16-19}

22.08.290 SITE PLAN REVIEW.

a. Statement of Purpose. The purpose of site plan review is to provide for consultation and cooperation between the land developer and the Village Council in order to accomplish the developer's land utilization objectives in harmony with the existing and prospective use and development of adjacent

properties. It shall be the further purpose of this section to insure that each proposed use and its components, appearance, and function is in compliance with this Ordinance, other Village Ordinances and State and Federal statutes. Further purposes of site plan approval shall include: privacy, efficiency for the public and local government servicing, preservation of the natural landscape, emergency access, effective drainage, vehicular and pedestrian safety and conveniences, control of temporary flooding, preventing stagnant water and ponding in intensively used areas; prevention of air, water and noise pollution; limitation of obnoxious odors, reduction of glare; exposure of toxic particles, substances and wastes. The following approvals, required information, procedures and standards shall be adhered to, to accomplish these purposes.

b. Approval by Village Council Required. In each zoning district, a site plan shall be reviewed for any use other than a principal one family residential use and related accessory uses. No development which would, if approved, provide for more than one principal use on a parcel (such as a single family site condominium) shall be undertaken, no building shall be erected, moved, relocated, converted or structurally altered and no change or addition of use, expansion or decreasing of off-street parking, or filling, excavation, or grading shall be undertaken until the Village Council has reviewed and approved a site plan for such use. A structural alteration shall be defined as one that changes the location of the exterior walls and/or the area of the building. Filling, grading, or excavation which causes more than five (5) cubic yards of earth material to be disturbed shall require site plan approval. {Ord. 253, 5-12-91}

c. Application for Site Plan Approval. Application for site plan review shall be made to the Village by filing of not less than twenty-five (25) copies of the detailed site plan with the office of the Village Manager at least fifteen (15) days in advance of the regularly scheduled Village Council meeting at which the plan is to be first considered. Fees are required to be paid within the fee schedule in effect as established by the Council at time application is made.

The Village Manager shall examine the site plan to determine that it contains all the necessary information. If it is incomplete, it shall be returned to the applicant owner. If complete and if it appears to comply with the Zoning Ordinance it shall be processed in accordance with this Ordinance.

d. Required Information. The following required information shall be included on all site plans:

1. Name of development and general location sketch.
2. Name, address and phone number of owner(s), developer and designer. Date drawn and revision dates shall be indicated on the site plan.
3. The seal of one of the following professionals registered in the State of Michigan: Registered Architect, Registered Civil Engineer, Registered Landscape Architect, or Registered Professional Community Planner. The architectural plans of the buildings shall be prepared by and bear the seal of a Registered Architect. A site plan for an alteration or addition to existing structures may be prepared by the builder or contractor.
4. A legal description and address of the property in question.
5. Boundary dimensions (to the nearest foot) of the property clearly indicated on the site plan, differentiated from other contiguous property.
6. Existing zoning classification of the parcel.

7. Adjacent land uses and zoning, and if the parcel is a part of a larger parcel, boundaries of total land holding.
8. To facilitate determination of off-street parking needs and similar matters, the applicant shall indicate the name and nature of the establishments proposed to occupy the buildings if this has been determined, and should indicate cases where exact occupancy has not yet been determined.
9. All plans shall include a north arrow and scale. The scale of the site plan shall be not less than 1" = 20' if the subject property is less than 3 acres, and 1" = 100' if three acres or more.
10. The area of the site in square feet and acres excluding all existing and proposed public right-of-way.
11. The dimensions of all lots and property lines, showing the relationship of the subject property to abutting properties and all required minimum setbacks from the existing or proposed right-of-way and from adjacent properties.
12. The location and dimension of all existing and proposed structures on the subject property and all existing structures within one hundred feet (100') of the subject property.
13. The location and right-of-way widths of all abutting streets and alleys, and driveway locations across abutting public streets.
14. Traffic and pedestrian circulation patterns, both within the site and on the public streets adjacent to the site and the proposed location and dimensions of any required pedestrian sidewalks.
15. Parking lots including layout and typical dimensions of parking spaces, number of spaces provided (including how computed, per ordinance requirements) and type of surfacing. (If carports, so designate).
16. Existing ground elevations on the site of an appropriate grid or contours, including existing ground elevations of adjacent land within one hundred feet (100') of the subject property and existing building, drive and/or parking lot elevations or any adjacent unusual surface conditions.
17. Proposed finish grade of buildings, driveways, walkways, parking lots and lawned areas.
18. With residential proposals a site summary indicating the number and location of one bedroom units, two bedroom units, etc., typical floor plans with the square feet of floor areas; density computation, recreation facilities, open spaces, street names and lot coverage.
19. With nonresidential proposals, the number of offices, number of employees, the number of floors and typical floor plans and cross sections.
20. Proposed sanitary sewer facilities and location of all existing utilities, easements, vacations and the general placement of lines, manholes, tap-ins, pump stations, and lift stations.
21. Proposed storm sewer facilities (sewers and appurtenances) including outlets (enclosed or open ditches) and proposed methods of storm water retention on site, if any.
22. Sufficient off-site drainage basin data and estimated runoff in cubic feet per second to permit review of any proposed retention of off-site drainage swale.

23. Proposed water service including any proposed tap-ins, main extensions or extensions for adequate fire hydrant spacing, and/or considerations for extensions to loop other public water mains in adjacent public rights-of-way.
24. Locations of existing and proposed fire hydrants with reasonable access thereto for fire fighting, police and other emergency equipment.
25. Location and typical dimensions of rubbish storage areas and screening construction.
26. Elevations of proposed buildings and proposed type of building materials, roof design, projections, canopies and overhangs, screen walls and accessory buildings, and any other outdoor mechanical equipment, such as: air conditioning, heating units and transformers that will be visible from the exterior.
27. Required easements for public right-of-way, utilities, access and shared access.
28. Notation of any variances which have been secured.
29. Performance guarantees to be provided, amounts, type and length of time.
30. Soil erosions and sedimentation control measures.
31. Detailed landscaping plan indicating location, types and sizes of material, a maintenance plan and schedule for pruning, mowing, watering, fertilizing, and replacement of dead and diseased materials. Cross section of berms shall be provided.
32. Location of all existing trees over three inches (3") in diameter.
33. The dimensions and locations of all signs, free-standing signs and lighting structures and shielding.
34. Types of soils; locations of flood plain and wetland, if any.
35. All proposed screen and free standing architectural walls, including typical cross-sections and the height above ground on both sides.
36. The location of any outdoor storage of material(s) and the manner in which it shall be screened or covered.
37. Information and special data which may be critical to the adequate review of the proposed use and its impacts on the site or Village. Such data requirements may include traffic studies, market analysis, environmental assessments (including inventory and impact data on flora, fauna, natural resources, hazardous materials, erosion control and pollution), demands on public facilities and services and estimates of potential costs to the Village due to failures as a basis for performance guarantees.
38. Information and statement of how applicant proposes to comply with State, Local and Federal laws, as applicable to this site or use.
39. The names of any Village officials or employees who will benefit financially from the approval of the site plan shall be disclosed.
40. Other data which the Village may reasonably deem necessary for adequate review.

e. Criteria for Approval of Site Plans. The following criteria shall be used by the Planning Board and Village Council as a basis upon which site plans will be reviewed and approved.

The Village shall adhere to sound planning principles, yet may allow for design flexibility in the administration of the following standards:

1. All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding properties for uses permitted on such property.
2. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements as set forth in The Schedule of Regulations unless otherwise provided in this Ordinance.
3. The existing natural landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent properties.
4. There shall be reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users.
5. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
6. Where possible and practical, drainage design shall recognize existing natural drainage patterns.
7. There shall be a pedestrian circulation system that is insulated as completely as possible from the vehicular circulation system. In order to insure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping facilities, and other uses that generate considerable amounts of pedestrian movement.
8. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. Streets and drives that are a part of an existing or planned street system serving adjacent developments shall be of an appropriate width to the volume of traffic they are planned to carry and shall have a dedicated right-of-way equal to that specified in a Village recognized source of reference. The applicant may be required to dedicate adequate land and improvements to the Village in order to achieve access which is safe and convenient.
9. Appropriate measures shall be taken to ensure that the removal of surface waters will not adversely affect adjoining properties or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm water facilities, and the prevention of erosion and dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicles or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. **All stormwater drainage and erosion control plans shall meet the standards adopted by the Village and Oakland County for design and construction.**

10. Off-Street parking, loading and unloading areas and outside refuse storage areas, or other storage areas that face or are visible from adjacent homes, or from public thoroughfares, shall be screened by walls or landscaping of effective height. Dumpsters shall have gates.

11. Exterior lighting shall be so arranged so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.

12. Adequate services and utilities including sanitary sewers, and improvements shall be available or provided, located and constructed with sufficient capacity and durability to properly serve the development.

Any use permitted in any Zoning District must also comply with all applicable Federal, State, County and Village health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation and drifting and airborne matter, toxic and hazardous materials, erosion control, flood plains, and requirements of the State Fire Marshal.

13. An objective of site plan review shall be to protect and to promote public health, safety and general welfare by requiring the screening, buffering and landscaping of sites and parking lots which will serve to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to preserve underground water reservoirs and return precipitation to the ground water strata; to act as a natural drainage system and solve storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent soil erosion; to provide shade; to conserve and stabilize property values, to conserve energy, provide visual and sound privacy and to otherwise facilitate the creation of a convenient, attractive and harmonious community; to relieve the stark appearance of parking lots; and to generally preserve a healthful and pleasant environment in keeping with Village character.

14. It is an objective of site plan review to improve the quality of existing developments as they are expanded, contracted, redeveloped or changed in keeping with the predominant site development standards of the Village.

15. A major objective shall be to retain, enhance and protect the quality, value and privacy of the Village's single family land uses.

16. All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon improvements of a subsequent development potential of lands.

17. All sites shall be designed to comply with State and local barrier-free requirements and to reasonably accommodate the handicapped and elderly.

18. Additional approval standards for unplatted residentially zoned parcels. Prior to the approval of a plat or a condominium subdivision plan or development under the single family residential cluster option, the Village Council shall require the following standards be met:

a. The permitted density should not exceed that permitted in the Zoned District.

b. Careful protective measures such as screening, open space, circulation design, shall be built in project designs to prevent adverse impacts of traffic noise, fumes, glare and odors on existing residences which are included in developments.

c. If a proposed development requires one or more direct circulation access point(s) to a major or intermediate thoroughfare, the site development area or combination of lots shall be a minimum of eleven (11) acres. If access alternatives exist, they must be used.

d. Primary interior streets shall be public or adequate access easements shall be granted to abutting parcels in order to minimize the need for access points to major and intermediate thoroughfares.

e. All redevelopment plans shall include a clear demonstration that remaining adjacent parcels can be developed in the future in a practical and coordinated manner.

f. The Council may require extraordinary improvements such as constructing utilities or streets to the property lines in order to permit future tie-ins with adjacent parcels.

g. As much as possible, linkages shall be created between projects in order to insure economy, efficiency of design, convenience for the residents and access options for emergency and service vehicles.

h. All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities and open space shall be coordinated with adjacent properties.

f. Review of Site Plans. The Village Manager shall secure comments from Village Building and Public Safety Departments, Village Engineer, Planner and others, as applicable, and forward all site plans along with comments to the Village Council which shall refer said plans to the Planning Board for its review. The Planning Board shall review the plans and may solicit further comments from the Village Building and Public Safety Departments, Village Engineer and Planning Consultant and other agencies, groups or persons. Upon completion of its review, the Planning Board shall transmit its recommendation or comments to the Village Council.

g. Site Plan Approval and Record. The Village Council is hereby authorized to review and approve, to approve with conditions or review and deny approval, all site plans submitted under this Ordinance. Guidelines for consideration of each case shall follow the Zoning Ordinance and any other applicable ordinances. Each action taken with reference to site plan review and approval shall be duly recorded in minutes of the Council. When the Village Council approves a site plan with conditions from the applicant, the Building Official shall require a revised site plan with a revision date, indicating said conditions on the site plan.

When a site plan approval is required, no building permit shall be issued until four (4) copies of a final site plan, which includes all conditions of approval, a revision date and notation of all variances has been signed by the Council President, the Building Official and the Planner or their designees. Prior to issuance of a permit, one (1) copy of the final signed plan shall be filed with each of the following: Clerk, Building Official and the Applicant.

h. Site Plan Review Manual. The Village Council, after recommendation from the Planning Board shall prepare a site plan review manual with detailed administrative procedures for site plan review. Council shall cause said procedures to be implemented.

i. Construction Under Plan. When an applicant receives site plan approval as provided previously herein, the applicant shall develop the site in complete conformity, with the approved site plan. Complete construction plan including component phases, shall be submitted for review by the Building Official with a landscape plan prepared by a registered landscape architect for all landscape areas. Upon review and finding by the Building Official that the construction plans meet with the requirements of the Village Council's site plan approval and applicable Ordinances of the Village, the Building Department shall issue a building permit for said construction. Site plan approval hereunder shall be valid for one (1) year from the date of Village Council approval.

j. A Certificate of Occupancy shall be withheld by the Building Official in any case where the site plan and major conditions as approved by the Village have not been complied with. Any minor variations may be approved by the Building Official, and shall be reported within ten (10) days to the Council and Planning Board after the issuance of Certificate of Occupancy.

VILLAGE OF BEVERLY HILLS
ORDINANCE NO. 384

AN ORDINANCE TO AMEND THE VILLAGE MUNICIPAL CODE,
CHAPTER 22, ZONING ORDINANCE, FOR THE VILLAGE OF BEVERLY HILLS

The Village of Beverly Hills Ordains:

Section 1.01. That Section 22.09 Site Development Requirements of Chapter 22 is hereby amended to add the following language to read as follows:

SECTION 22.09 SITE DEVELOPMENT REQUIREMENTS

h. Address the control and treatment of stormwater runoff by hereby adopting the current “Oakland County Stormwater Engineering Design Standards” as amended from time to time.

Section 2.01. SEVERABILITY. If any section, clause or provision of this Ordinance shall be declared to be inconsistent with the Constitution and laws of the State of Michigan and voided by any court of competent jurisdiction, said section, clause or provision declared to be unconstitutional and void shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force.

Section 3.01. SAVING CLAUSE. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 4.01. REPEALER. Any Ordinance conflicting with this Ordinance be and the same is hereby repealed.

Section 5.01. EFFECTIVE DATE. A public hearing having been held by the Planning Commission on September 28, 2022, and the Village Council on November 1, 2022, the provision of this Ordinance shall become effective 20 days following its publication in The Eccentric, a newspaper circulated within said Village.

Made and passed by the Village Council of the Village of Beverly Hills this _____ day of _____, 2022.

John George, Village President

KRISTIN RUTKOWSKI, Village Clerk

I, Kristin Rutkowski, being the duly appointed and qualified Clerk of the Village of Beverly Hills, Oakland County, Michigan, do hereby certify and declare that the foregoing is a true and correct copy of an Ordinance adopted by the Village Council of the Village of Beverly Hills at a regular meeting thereof held on the _____ day of _____, 2022.

KRISTIN RUTKOWSKI, Village Clerk

22.09 SITE DEVELOPMENT REQUIREMENTS

22.09.010 INTENT. The Village of Beverly Hills recognizes that high quality and well-planned building and site design elements contribute to defining the sense of place in the Village of Beverly Hills.

Consequently, this ordinance section was developed to ensure future development and redevelopment occurs in accordance with the following objectives:

- a. Promote quality site design and building architecture consistent with the predominant residential character of the Village.
- b. Promote an understanding that the changes in commercial sites that occur periodically may be small, but the cumulative impact over time could alter the Village's attractive physical character.
- c. Facilitate development and redevelopment, which strives for quality site design on individual parcels, in relation to their surroundings and the Village overall.
- d. Retain sensitivity to overall community design goals, while allowing creativity of site design.
- e. Instill a sense of "timelessness" in the Village so individual buildings are not identified with a specific era.
- f. Implement the objectives and guidelines of the Village's Site Development Handbook.
- g. Balance all the above objectives with the Village's commitment to support the continued vitality and daily operations of existing businesses.

h. Address the control and treatment of stormwater runoff by hereby adopting the current "Oakland County Stormwater Engineering Design Standards" as amended from time to time.

22.09.020 APPLICABILITY. All proposals within the P-Parking, O-1 Office, and B-Business Districts and nonresidential uses in a Residential Zone District shall be reviewed and approved by the Village for compliance with the requirements of Section 22.09.

The extent the proposal must comply with these requirements is as follows:

a. New Construction Projects. All new projects that involve construction of new buildings and associated parking and landscaped areas shall fully comply with the design standards of Section 22.09. Site Plan approval is also required in accordance with Section 22.08.

b. Façade Improvements. Projects that involve only changes to building elevations under the following circumstances are subject to the following requirements: (1) if the elevation faces the front yard(s) of the site; or (2) if the elevation is visible to the general public from the side and/or rear yard by means of parking, circulation, or a public building entrance.

1. Minor Façade Improvements. Minor facade improvements to the exterior of the building shall mean minor improvements to the building that change its original appearance such as illumination, building material coverage, or design character. This shall not include daily repairs, common replacements, and building maintenance which are only subject to applicable building code requirements, not this ordinance. Minor façade improvements only require approval from the Building Official for compliance with subsection (a) and (b) below. The Building Official has the discretion to require review by the Planning Board when there is a question of interpretation for consistency with the intent of this ordinance.

- (a) Building materials and colors must provide a balance between compatibility with the existing structure and the general intent and purpose of Section 22.09.030 Building Design.
- (b) If the project involves changes to building mounted lighting, new fixtures shall comply with the requirements of 22.09.050, as applicable.

2. Major Facade Improvements. Major facade improvements shall mean facade improvements where building materials are changed in a manner that significantly alters the architectural design of at least one building elevation beyond minor façade improvements. These projects only require approval from the Planning Board for compliance with Section 22.09 and do not require site plan approval under Section 22.08.

- a) Building materials must provide a balance between compatibility with the existing structure and the general intent and purpose of Section 22.09.030 Building Design.
- b) All requirements of Section 22.09.040 a, b, c, f, h, i, and j (Landscaping) must be met.
- c) Ten percent (10%) of the required plantings of Section 22.09.040 d, e, and g (Landscaping) are to be provided.
- d) If the project involves changes to building mounted lighting, new fixtures shall comply with the requirements of 22.09.050, as applicable.

c. Expansions to Buildings. Expansion of a building shall meet the following minimum requirements. These projects require Site Plan approval in accordance with Section 22.08.

1. Less than twenty percent (20%) gross floor area expansion. Projects involving an expansion of less than twenty percent of the current gross floor area shall be required to comply with the following sub-sections:

- (a) Building materials must provide a balance between compatibility with the existing structure and the general intent and purpose of Section 22.09.030 Building Design. Some upgrades to the existing structure may be required.
- (b) Landscape standards of Section 22.09.040 a, b, c, f, h, i, and j must be met.
- (c) Twenty percent (20%) of the required plantings of Section 22.09.040 d, e, and g (Landscaping) shall be provided.
- (d) If the project involves changes to lighting, new fixtures shall comply with the requirements of 22.09.050, as applicable.

2. Between twenty percent (20%) and forty-nine percent (49%) gross floor area expansion.

- (a) Building materials must provide a balance between compatibility with the existing structure and the general intent and purpose of Section 22.09.030. Some upgrades to the existing structure shall be required.
- (b) Landscape standards of Section 22.09.040 a, b, c, f, h, i, and j must be met.
- (c) Forty percent (40%) of the required plantings of Section 22.09.040 d, e, and g (Landscaping) shall be provided.
- (d) If the project involves changes to lighting, new fixtures shall comply with the requirements of 22.09.050, as applicable.

3. Expanding the gross floor area fifty percent (50%) or greater. Projects involving an expansion that is fifty percent (50%) or greater of the current gross floor area shall be required to fully comply with the requirements of Section 22.09.

4. Cumulative expansions: The percentage of building expansion will be calculated cumulatively from the original floor area of the building as established on the effective date of this ordinance. For instance, if a building is expanded by fifteen percent (15%), then two (2) years later it is expanded by twenty percent (20%), then it must comply with upgrade requirements applicable to expansions of thirty-five percent (35%).

d. Improvements Due to Destruction. Should a structure be destroyed by any means (e.g. fire or weather) where replacement costs total sixty percent (60%) or less of the total value of the building (as established at the time of damage), improvements may be made without conforming to the requirements of Section 22.09 Site Development Requirements and Site Plan approval is not required.

22.09.030 BUILDING DESIGN. Architectural elevation drawings are required to be submitted for all site plans to confirm compliance with the following requirements for building design.

a. Village Discretion. The Village may waive strict compliance of Section 22.09.030 Building Design when the following qualities can be demonstrated.

1. The design and materials are found to be in keeping with the intended character of the Village.
2. The materials are found to be permanent and durable.
3. The design and materials are compatible with the type of use and development proposed.
4. The design and materials can easily be adapted to another use in the future.
5. The design and materials meet the intent of Section 22.09 Site Development Requirements as expressed in Section 22.09.010.
6. The project involves only interior expansion that does not affect the exterior appearance of the building.

b. General Building Design Requirements.

1. Building materials must be permanent and durable and shall be designed in a manner that promotes high quality architectural design and character.
2. Building colors shall not be a contrasting departure from surrounding building colors.
3. All entrance facades shall be of a finished quality.
4. Rhythm of openings, or the number and spacing of windows, shall not be disrupted for new construction or expansions.
5. New construction shall consider the scale and proportion, or the relationship of building height to width of existing structures in the area.
6. The most visible building elevations shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials.
7. Buildings shall be designed at a pedestrian scale with relationship to the street and sidewalk. A prominent and usable public building entrance shall be provided at the front of the building.
8. Canopies, such as over gasoline pumps, shall be designed consistent with approved building materials and colors. Support columns shall be brick or materials compatible with the principal structure. The

Village may require a peaked roof to complement the principal building. Any canopy lighting shall be recessed in the canopy.

c. Long Walls. When building walls are one hundred (100) feet or greater in length, design variations must be applied to ensure that the building is not monotonous in appearance. Such variations include but are not limited to the following:

1. Recess and projections along the building facade.
2. Architectural details or features.
3. Enhanced ornamentation around building entryways.
4. Landscaping.
5. Streetscape elements.

d. Roof Design. As a part of building design, roofs shall be designed in keeping with the overall architecture of the building.

1. Asphalt, fiberglass, tile, copper, slate or cedar shingles are permitted and shall be heavily textured to indicate dimension. Standing seam metal roof systems shall be permitted only by special approval from the Village when it is demonstrated to be compatible with the residential character of the Village.

2. The following roof style elements are required:

(a) All roofs shall be mansard, gambrel, hip or gable roof styles. The slope of the roof shall not be less than 5 (rise) on 12 (run).

(b) Additional roofline treatments are encouraged and may be required by the Village in order to minimize the mass of the roof and in order to promote the residential character. These treatments include, but are not limited to offset rooflines, dormer windows, cupolas, additional accent gables and covered entryways.

(c) Flat roofs may be permitted if accent treatments are provided along the top edge of the roofline as a cornice treatment.

3. Rooftop equipment shall be screened from view of adjacent properties and public rights-of-way. The method to screen rooftop equipment shall be compatible with the building through color, scale, materials, and architectural style. The Village may require cross-section details to confirm compliance.

22.09.040 LANDSCAPING.

a. Landscape Plan Review. A separate detailed landscape plan shall be submitted as part of the approval process. The landscape plan shall demonstrate that all requirements of this Section are met and shall include the following information:

1. Planting plans shall be prepared by a registered landscape architect.
2. Illustrate location, spacing, species, and size of proposed plant material.
3. Confirm that each landscape standard is separately met on the plans.
4. Provide, where required by the Village, typical cross sections to illustrate views from adjacent land uses, and the slope, height, and width of proposed berms or landscape elements.
5. Identify trees and other landscape elements to be preserved.
6. Delineate the location of tree protection fence and limits of grading at the perimeter of areas that to be preserved.

7. Provide details to ensure proper installation and establishment of proposed plant material.
8. Identify grass areas and other methods of ground cover.
9. Identify a landscape maintenance program including a statement that all diseased, damaged or dead materials shall be replaced in accordance with requirements of this Section.

b. Minimum Planting. All plant material shall be hardy to Oakland County, be free of disease and insects, and conform to the American Standard for Nursery Stock of the American Nurserymen. The minimum plant sizes shall be provided in accordance with the following:

Plant Type	Minimum Plant Size	Minimum Spacing Requirements
Large Canopy Trees	Three (3) inch caliper	Twenty-five (25) ft on center
Ornamental Trees	Two (2) inch caliper	Six (6) ft height Fifteen (15) ft on center
Evergreen Trees	Six (6) ft height	Fifteen (15) ft on center
Large Deciduous Shrubs	Two (2) ft height	Four (4) - six (6) ft on center
Upright Evergreen Shrubs	Two (2) ft height	Three (3) - four (4) ft on center

c. General Planting.

1. Ornamental trees may be used to diversify planting requirements, provided two (2) ornamental trees shall be provided for each one (1) required canopy tree.
2. Fractions of trees shall be rounded upward to the nearest whole number.
3. All areas of open space shall contain only living materials and planting beds with the exception of approved sidewalks, bike paths, signs, driveways, essential services, and detention ponds as dictated by site conditions. On redevelopment projects, the Village has the discretion to require installation of live materials in areas currently covered by concrete, asphalt, stone, gravel or other non-living materials to increase pervious surface and enhance the site.
4. Shrub plantings shall be designed to screen parking from being visible from the roadway or adjacent land uses, as necessary.
5. Canopy trees within the greenbelt shall be planted in a manner to create a formal, consistent tree canopy along the streetscape.
6. The overall landscape plan shall not contain more than thirty three (33%) of any one (1) plant genus to ensure a hardy mixture of species.
7. Plantings shall be designed to ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, clearance from overhead utility lines, adequate separation from underground utilities and accessibility to fire hydrants.
8. All landscape areas shall be protected from vehicles or other types of encroachment by concrete curbing. Bumper stops, guard rails, bollards, or any other type of method shall not be permitted. On redevelopment projects where these treatments currently exist, removal is required.
9. Landscaping shall comply with Section 22.08.080 Obstructions to Vision on Corner Lots.

d. Street Trees.

1. Street trees are required along land abutting a public street, private street or access drive to serve as an obscuring screen, noise abatement, and visual enhancement along roadway corridors.
2. Street trees shall be planted at a rate of one (1) large canopy tree per thirty (30) linear feet, or fraction thereof, of the entire road frontage. The frontage calculation shall include any openings for driveways, sidewalks or easements with the number of trees.

3. Street trees shall be planted between the sidewalk and the roadway curb, within the right-of-way. If conditions prohibit planting in the right-of-way, trees shall be planted where feasible along the right-of-way line on the subject site.

e. Buffers.

1. In order to minimize the negative impacts of conflicting adjacent land uses, a planted buffer strip shall be required when any use in the Parking, Office, or Business District or a nonresidential use in a Residential Zone District abuts a Residential Zone District (R-A, R-1, R-1A, R-2, R-2A, R-3, and RM).

2. Buffer strips shall consist of two (2) canopy trees and four (4) shrubs, or one (1) evergreen tree, one (1) canopy tree and four (4) shrubs per thirty (30) linear feet along the property line.

3. At a minimum, the width of the buffer shall be fifteen (15) feet, measured from the property line.

4. The Village has the discretion to require a decorative screening wall within the buffer area in cases where it is determined the above referenced planting requirements are not sufficient to minimize incompatible land use impacts. In those cases, the wall shall comply with the following requirements:

(a) Walls cannot extend into the required front setback.

(b) Wall height shall not be less than four (4) feet nor more than six (6) feet.

(c) Walls shall be constructed of the primary building material of the principal structure as determined by the Village. They shall be made of unpierced and reinforced poured concrete with false brick design or a capped brick wall, masonry brick or poured masonry decorative wall. Cement or slag blocks shall not be permitted.

f. On-Site Screening. On-site landscape screening is required to screen outside storage areas, mechanical equipment, loading and service bays, and similar operations in a manner acceptable to the Village.

g. Parking Lots. All parking, drive aisles, loading, and other paved ground surface areas used for vehicular parking shall have internal landscaping to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation. The following parking area landscaping is required.

1. Required parking area landscaping shall be placed within the parking lot surface and may also be provided along the edge of parking lot extending no more than ten (10) feet from the edge of the pavement provided it is located within the subject lot.

2. One (1) canopy tree shall be required for each 2,000 square feet of the total paved surface, including parking, drive aisles, and loading. At least two (2) parking lot trees shall be provided on each site.

3. At least one-third ($1/3$) of the required trees shall be placed within landscaped islands situated in the parking lot.

4. When visible from a street or access drive, screening shall be provided to shield views of parked cars from passing motorists and pedestrians in the form of a minimum three (3) foot tall hedgerow. Decorative treatment may be incorporated such as a combination of a hedgerow with tree clusters, or with a two and half (2.5) foot tall wood fence, brick wall or wrought iron fencing with brick pilasters.

5. When provided, landscape parking lot islands shall meet the following requirements:

(a) Each separate landscaped island shall be a minimum of one hundred and fifty (150) square feet in area.

(b) Each parking lot island shall be a minimum of ten (10) feet wide.

(c) The island shall be two (2) feet shorter than adjacent parking spaces.

(d) A minimum curve radius of five (5) feet is required.

(e) Each island shall contain at least one (1) tree.

h. Waste Receptacles. Garbage, rubbish, and similar refuse to be stored outside shall be stored within approved receptacles and situated in a centralized location(s) on the site. The waste receptacle and its enclosure shall comply with the following requirements:

1. A space for the location of a waste receptacle, including a dumpster or compactor, paved with a concrete pad, shall be provided.
2. The waste receptacle base shall be at least nine (9) feet by six (6) feet in area, constructed of six (6) inches of reinforced concrete. The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
3. The waste receptacle shall be located in a rear yard or interior side yard whichever has the least impact on adjoining uses and least visibility from the street and shall be clearly accessible to servicing vehicles.
4. The location of waste receptacles shall not conflict with on-site circulation of vehicles and trucks.
5. Waste receptacles shall be screened from view on all sides. Such screening shall consist on three (3) sides of a screening wall which is not less than six (6) feet in height or at least one (1) foot above the height of the enclosed waste receptacle, whichever is greater.
6. The screening wall shall replicate the primary materials of the building.
7. An opaque, lockable gate providing access shall also provide screening.

i. Maintenance.

1. All required plant materials shall be planted prior to issuing a Certificate of Occupancy. A financial guarantee is required if the project is completed during a time of year when planting is impractical.
2. Tree stakes, guy wires, and tree wrap shall be removed after completion of the initial growing season.
3. All landscaped areas shall be provided with a source of irrigation.
4. The owner of the property shall be responsible for the regular maintenance of all landscaping. Landscaped areas and plant materials required by this Section shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance per the intent of the approved site plan. If any plant material required with an approved site plan dies or becomes diseased, it shall be replaced within thirty (30) days of receiving written notice from the Village or within an extended time period as specified in said notice.

j. Landscape Waiver. The Village may determine that conditions warrant a waiver from or modification of the landscaping provisions of Section 22.09.040. In making such determination, the Village may consider the following criteria:

1. Presence of existing natural vegetation
2. Topography
3. Existing wetland, floodplain and poor soils areas
4. Existing and proposed building placement

5. Building heights and views
6. Types and distance to adjacent land uses
7. Dimensional conditions unique to the parcel
8. Provision of adequate sight distances for motorists
9. Health, safety and welfare of the Village
10. Future land use proposed in the Village Master Plan
11. Drainage conditions
12. For existing building expansion projects, when strict compliance would hinder the ability to meet parking requirements for the site

22.09.050 LIGHTING. The intent of this subsection is to protect the health, safety and welfare of the public by recognizing that buildings and sites need to be illuminated for safety, security and visibility for pedestrians and motorists. To do so, requirements are imposed for various forms of lighting that will: minimize light pollution; maintain safe nighttime driver performance on public roadways; preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to 'sky glow'; reduce light pollution and light trespass from light sources onto adjacent properties; conserve electrical energy; and curtail the degradation of the nighttime visual environment.

a. Submittal Requirements. The following information must be included in the required site plan submission, as applicable to the project:

1. Location of all proposed and existing freestanding, building-mounted and canopy light fixtures on the site plan and building elevations;
2. Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles);
3. Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding;
4. Use of the fixture proposed; and
5. Any other information deemed necessary by the Building Official to determine compliance with provisions of this Section.

b. General Lighting Requirements. The following requirements apply to all pole-mounted and building mounted exterior lighting.

1. Exterior lighting fixtures shall be fully shielded and directed downward to prevent off-site glare. Further, the design and size of such fixtures shall be compatible with the architecture of the building.
2. The intensity of light within a site shall not exceed ten (10) footcandles or one (1) footcandle at any property line, except where the site abuts a residential district or use whereby a maximum of only 0.5 footcandles at any property line is permitted.
3. Metal halide fixtures, or other fixture type that reflects similar illumination, shall be used in an effort to maintain a unified lighting standard throughout the Village and prevent 'sky glow.'
4. The Village may require decorative light fixtures as an alternative to shielded fixtures where it will be compatible with the Village character.
5. The maximum height of pole-mounted light fixtures shall be fourteen (14) feet measured from the finished grade of the parking lot to the top of the fixture. The Village may allow a taller fixture.
6. Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings, such as along the roofline and eaves, around windows, etc.

c. Miscellaneous Lighting Requirements. The following lighting requirements apply to other types of lighting that may be proposed either interior or exterior to the site.

1. Any light fixtures visible through a window must be shielded to prevent glare at the property line.
2. Luminous tube (includes neon) and exposed bulb fluorescent lighting (visible from the property line) is prohibited unless it is part of a sign that meets the requirements of Section 22.32 Signs.
3. The internal illumination of building-mounted canopies is prohibited.
4. Indirect illumination of signs, canopies, window displays and buildings is permitted provided there is no glare.
5. The use of laser light source, searchlights or any similar high intensity light for outdoor advertisement or entertainment is prohibited.
6. Lighting shall not be of a flashing, moving or intermittent type (see also regulations applicable to digital messages, Section 22.32).

22.09.060 ACCESS MANAGEMENT REQUIREMENTS. These standards are intended to preserve the capacity of the street system and to minimize potential for traffic collisions, in balance with the need to provide reasonable access to properties. Commercial driveways or driveways, referred to in this section, shall include driveways serving any nonresidential use as applicable to these Site Development Requirements.

a. Location in General. Driveways shall be located to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade. Driveways and association access features, such as radii, right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the Village.

b. Number of Driveways. Access to a parcel shall consist of either a single two-way driveway or a pair of one-way driveways where one (1) driveway is designed and appropriately signed to accommodate ingress movements and the other egress movements. Other circumstances may require the following:

1. Where a parcel has frontage along two (2) streets, access shall be provided only along the street with the lower average daily traffic volume, unless the Village determines this would negatively affect traffic operations or surrounding land uses.
2. Where the property has continuous frontage of over three hundred (300) feet, the Village may allow an additional access point.

c. Driveway Spacing from an Intersection. Minimum spacing requirements between a proposed driveway and an intersection either adjacent or on the opposite side of the street may be set on a case-by-case basis but in no instance shall be less than the distances listed below. The following measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.

Location of Driveway Minimum Spacing for a Full Movement Driveway Minimum Spacing for a Channelized Driveway Restricting Left Turns

Along major roadways* intersecting street is a major roadway 150 feet 95 feet

Along major roadways intersecting street is not a major roadway 100 feet 75 feet

Along other Roads 75 feet 50 feet

* Major roadways include 14 Mile Road, 13 Mile Road, Lahser Road, Evergreen Road, Southfield Road, and Greenfield Road

d. Minimum Spacing between Driveways. Minimum spacing between two commercial driveways shall be determined based upon posted speed limits along the parcel frontage. The minimum dimensions indicated below are measured from each driveway's centerline

Posted Speed Limit (MPH) Minimum Driveway Spacing (in feet)

25 130

30 185

35 245

40 300

45 350

50 and higher 455

e. Modification of Standards. Given the existing built conditions through much of the Village, the standards above may be modified by the Village on a case-by-case basis depending upon analysis of existing and expected traffic operations, and restrictions imposed by current development or site conditions.

f. Shared Access System. The Village may require a shared access system where it is determined to have a beneficial impact on traffic operations and safety. This determination shall be based on the expected traffic patterns, existing traffic conditions and the feasibility for shared access. This shared access system could involve a shared driveway, connections of parking lots or a drive connecting two or more lots or uses, access from a side street, a shared driveway or service road connecting two or more properties or uses. In such cases a shared access agreement shall be provided to the Village.

22.09.070 GENERAL SITE DESIGN REQUIREMENTS. In addition to the specific requirements, the following are required:

a. Construction of new or expanded off-street parking areas shall be located in the side or rear yard, where practical. Front yard parking shall be screened as set forth in Section 22.09.040 (g).

b. Loading and unloading and other types of service areas shall be located in the rear yard and shall not conflict with vehicular circulation. Where it is visible from a residential district, additional screening may be required by the Village in addition to the required screening of Section 22.09.040 (e).

c. To the extent feasible, new building construction or expansions shall provide a building close to the front lot line, with no front yard parking, at the same time complying with the minimum front yard setback of the district.

d. Visible utility lines and equipment detract from the aesthetics of a site. Therefore, where feasible, new on-site utility lines shall be installed underground and existing on-site utility lines shall be buried. The location of ground mounted equipment shall ensure the least visible impact and shall be screened in accordance with Section 22.09.040 (f).

e. Sidewalks or bikepaths are required in accordance with Section 22.08.410. Internal pedestrian circulation shall also be provided on for all sites. This shall be in the form of the following:

1. An internal sidewalk is required between the public sidewalk and the front entrance to the building. Where parking is located between the building and the public sidewalk, other methods shall be required to ensure a safe pedestrian system such as cross walk striping.

2. Other internal walkways shall be required to allow people to move safely through the parking areas, as determined by the Village. {Section 22.09 added by Ord. 318, 9-7-04}

22.09.080 MAINTENANCE AGREEMENTS. A maintenance agreement shall be required for all vegetative and structural best management practices (BMPs) to be constructed on site. {Ord. 353; 11-18-14}

VILLAGE OF BEVERLY HILLS
ORDINANCE NO 385

AN ORDINANCE TO AMEND CHAPTER 30, SURFACE WATER DRAINAGE, VILLAGE
OF BEVERLY HILLS MUNICIPAL CODE

The Village of Beverly Hills Ordains:

Section 1.01. Chapter 30, Surface Water Drainage, of the Village of Beverly Hills Municipal Code, shall be amended to read as follows:

30.01 SURFACE WATER DRAINAGE REGULATIONS; ADMINISTRATION

- (a) Surface water drainage matters in Beverly Hills shall be administered by the Village, Oakland County Health Department (herein referred to as WCHD), and the Michigan Department of Environment, Great Lakes, and Energy (herein after referred to as EGLE). The Village Engineer and/or its Engineering Consultant shall review and comment on said drainage plans.
- (b) This Chapter applies to all residential and commercial areas in the Village of Beverly Hills.

30.02 ILLICIT DISCHARGE CONTROL

(1) Purpose. The purpose of this Chapter is to provide for the health, safety, and general welfare of the citizens of the Village of Beverly Hills and protect all water bodies within the Village and the Great Lakes through the regulation of illicit discharges to the municipal separate storm sewer system as required by federal and state law. This Chapter establishes methods of controlling the discharge of pollutants into the Municipal separate storm sewer system owned or operated by the Village of Beverly Hills in order to comply with the requirements of the Clean Water Act and State of Michigan National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System (MS4) Permit program. The objectives of this Chapter are: (a) to regulate the contribution of pollutants to the municipal separate storm sewer system associated with discharges from any user of the municipal separate storm sewer system. (b) To prohibit illicit connections and discharges to the municipal separate storm sewer system. (c) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Chapter. (d) As a requirement of the NPDES Stormwater Discharge Permit and the Village's Municipal Separate Storm Sewer System Permit, the Village accepts the following Oakland County Standards for Post-Construction Storm Water Runoff:

- (1) The Oakland County "Post-Construction Storm Water Runoff Program" as amended from time to time, are hereby adopted by the Village of Beverly Hills in this article for the control and treatment of stormwater runoff.
- (2) All permanent and temporary stormwater management BMP's, constructed as part of the requirements of this section, are subject to this article.
- (3) This article also applies to any activities which may affect the quantity or quality of a private or stormwater conveyance system or any waterway within the Village.

Any person(s) engaged in activities that may result in excessive quantities or pollutants entering any stormwater conveyance systems or waterways may be subject to the remedies for violation of this section. Examples of such pollutants may include, but is not limited to, debris, concrete washings, de-icing materials, fertilizers, heavy metals, automobile fluids, topsoil, yard wastes, and commercial or light industrial wastes.

(4) Natural swales and channels should be preserved, whenever possible. If channel Modification must occur, the physical characteristics of the modified channel will meet the existing channel in length, cross-section, slope, sinuosity, and carrying capacity. Streams and channels will be expected to withstand all events up to the two-year storm without increased erosion.

(5) The Village recognizes that, due to the specific requirements of any given development, inflexible application of the design standards may result in development with excessive paving, stormwater runoff, and a waste of space which could be left as an open space. The Village Engineer shall have the authority to grant waivers from specific control provisions of the stormwater management standards due to site-specific conditions, but only if the waiver(s) are as restrictive as the Oakland County Standards. The waiver shall be appropriate under the following criteria: (1) Because of unusual topographical or field conditions, there are undue burdens in the way of carrying out the strict letter of this article. (2) The proposed variance will not adversely affect the purpose or objectives of this article or otherwise impair the public health, safety, comfort, and welfare. (3) Reasonable and appropriate conditions may be attached to a grant of a waiver to ensure that the stormwater system improvements will continue to meet the criteria in the future. To receive a waiver, the owner of the property must provide a written request, engineering drawings and/or plans, stated reason for the waiver, and any other information requested by the Village to help determine whether a waiver is appropriate.

(2) Definitions. For the purpose of this Chapter, the following definitions are applicable:

UNCHANGED

30.03 APPLICABILITY

UNCHANGED

30.04 RESPONSIBILITY FOR ADMINISTRATION

UNCHANGED

30.05 ULTIMATE RESPONSIBILITY

UNCHANGED

30.06 DISCHARGE PROHIBITIONS

(1) Prohibition of Illicit Discharges.

No person shall discharge or cause to be discharged into the MS4 or waters of the State of any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited; however, the following discharges are exempt from prohibition as described:

- 1) Water line flushing and discharges from potable water sources
- 2) Landscape irrigation runoff, lawn watering runoff, and irrigation waters
- 3) Diverted stream flows and flows from riparian habitats and wetlands
- 4) Rising groundwaters and springs
- 5) Uncontaminated groundwater infiltration and seepage
- 6) Uncontaminated pumped groundwater, except for groundwater cleanups specifically authorized by NPDES permits
- 7) Foundation drains, water from crawl space pumps, footing drains, and basement sump pumps provided they are not directly connected
- 8) Air conditioning condensation
- 9) Waters from noncommercial car washing
- 10) Street wash water
- 11) Dechlorinated swimming pool water from single, two, or three family residences.
- 12) The discharges or flows from firefighting activities if they are identified as not being a significant source of pollutants to the waters of the state

(3) Prohibition of Illicit Connections.

- (a) The construction, use maintenance or continued existence of illicit connections to the MS4 is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) A person is considered to be in violation of this Chapter if the person connects a line conveying sanitary waste in the MS4 or allows such a connection to continue.
- (d) If, subsequent to eliminating a connection found to be in violation of this Article, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request

Village approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense and shall be run through the appropriate permitting process.

30.07 WASTE DISPOSAL PROHIBITIONS

UNCHANGED

30.08 WATERCOURSE PROTECTION

UNCHANGED.

30.09 DISCHARGES IN VIOLATION OF INDUSTRIAL OR CONSTRUCTION ACTIVITY NPDES STORM WATER DISCHARGE PERMIT

UNCHANGED

30.10 MONITORING OF DISCHARGES

UNCHANGED

30.11 MAINTENANCE AGREEMENTS

Maintenance Agreement.

A maintenance agreement shall be required between the Village and the Owner for all vegetative, structural, and stormwater best management practices (BMPs) to be constructed on site, as referenced in Section 22.09.080 of the Village Ordinances. For projects in which the Oakland County Standards for Post-Construction Storm Water Runoff apply, stormwater facilities shall be maintained by the Owner and shall be repaired and/or replaced by such person when such facilities are no longer functioning as designed. Records of installation and maintenance and repair shall be retained by the Owner and shall be made available to the City upon request. The maintenance agreement shall be binding on all subsequent owners of land served by the stormwater management and facilities and shall be recorded in the office of the Oakland County register of deeds prior to the effectiveness of the approval of the Village of Beverly Hills Council. If the stormwater management BMPs have not been adequately maintained, the Village may notify the Owner(s) in writing and require the necessary maintenance or repairs within 90 (or 120?) days of the written notice. Should the Owner fail to comply with the provisions of this Article, the Village may, after giving reasonable notice and opportunity for compliance, have the necessary work done and the Owner shall be obligated to promptly reimburse the Village for all such costs incurred.

30.12 NOTICE OF VIOLATION

Whenever the Village finds that a person has violated a prohibition or failed to meet a

requirement of this Article, the Village 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) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water 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) Control measures or BMPs implemented or installed at violation source.

30.13 REQUIREMENT TO REMEDIATE

Whenever the Village finds that a discharge of pollutants or illicit connection is taking place or has occurred which will result in or has resulted in pollution of storm water, the storm drain system, or water of the United States, the Village may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within 120 days of notification.

30.14 APPEAL

Notwithstanding the provisions of Section 14 below, any person receiving a Notice of Violation under Section 11 above may appeal the determination of the Village Manager. The notice of appeal must be received by the Village Manager within 5 days from the date of the Notice of Violation. Hearing on the appeal before the Village Manager or his/her designee shall take place within 15 days from the date of Village's receipt of the notice of appeal. The decision of the Village Manager or designee shall be final.

30.15 ENFORCEMENT, PENALTIES AND REMEDIES

- a. Penalties. Any person(s) violating any provision of this Ordinance shall be responsible for of a municipal civil infraction, as referenced in Section 1.06.01 of the Village Ordinances. This procedure is also enforced for the post construction design standards, as well as long term operations and maintenance agreements, as referenced in 22.02.080 of the Village Ordinances. {Entire Chapter Added Ord. 32; 10-11-14}

Section 2.01. SEVERABILITY. If any section, clause or provision of this Ordinance shall be declared to be inconsistent with the Constitution and laws of the State of Michigan and voided by any court of competent jurisdiction, said section, clause or provision declared to be unconstitutional and void shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force.

Section 3.01. SAVING CLAUSE. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 4.01. REPEALER. Any Ordinance conflicting with this Ordinance be and the same is hereby repealed.

Section 5.01. EFFECTIVE DATE. This Ordinance shall take effect 20 days from and after the final passage and publication by the Village of Beverly Hills.

Made and passed by the Village Council of the Village of Beverly Hills this _____ day of _____, 2022.

JOHN GEORGE, Village President

KRISTIN RUTKOWSKI, Village Clerk

I, Kristin Rutkowski, being the duly appointed and qualified Clerk of the Village of Beverly Hills, Oakland County, Michigan, do hereby certify and declare that the foregoing is a true and correct copy of an Ordinance adopted by the Village Council of the Village of Beverly Hills at a regular meeting thereof held on the ____ day of _____, 2022.

KRISTIN RUTKOWSKI, Village Clerk

Chapter 30 - Surface Water Drainage

30.01 SURFACE WATER DRAINAGE REGULATIONS; ADMINISTRATION

30.02 ILLICIT DISCHARGE CONTROL

30.03 APPLICABILITY

30.05 RESPONSIBILITY FOR ADMINISTRATION

30.05 ULTIMATE RESPONSIBILITY

30.06 DISCHARGE PROHIBITIONS

30.07 WASTE DISPOSAL PROHIBITIONS

30.08 WATERCOURSE PROTECTION

30.09 DISCHARGES IN VIOLATION OF INDUSTRIAL OR CONSTRUCTION ACTIVITY NPDES STORM WATER DISCHARGE PERMIT

30.10 MONITORING OF DISCHARGES

30.11 NOTICE OF VIOLATION

30.12 REQUIREMENT TO REMEDIATE

30.13 APPEAL

30.01 SURFACE WATER DRAINAGE REGULATIONS; ADMINISTRATION

(a) Surface water drainage matters in Beverly Hills shall be administered by the Village, Oakland County Health Department (herein referred to as WCHD), and the **Michigan Department of Environment, Great Lakes, and Energy (herein referred to as EGLE)**. The Village Engineer and/or its Engineering Consultant shall review and comment on said drainage plans.

(b) This Chapter applies to all residential and commercial areas in the Village of Beverly Hills.

30.02 ILLICIT DISCHARGE CONTROL

(1) Purpose. The purpose of this Chapter is to provide for the health, safety, and general welfare of the citizens of the Village of Beverly Hills and protect all water bodies within the Village and the Great Lakes through the regulation of illicit discharges to the municipal separate storm sewer system as required by federal and state law. This Chapter establishes methods of controlling the discharge of pollutants into the Municipal separate storm sewer system owned or operated by the Village of Beverly Hills in order to comply with the requirements of the Clean Water Act and State of Michigan National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System (MS4) Permit program. The objectives of this Chapter are: (a) to regulate the contribution of pollutants to the municipal separate storm sewer system associated with discharges from any user of the municipal separate storm sewer system. (b) To prohibit illicit connections and discharges to the municipal separate storm sewer system. (c) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Chapter. **d) As a requirement of the NPDES Stormwater Discharge Permit and the Village's Municipal Separate Storm Sewer System Permit, the Village accepts the following Oakland County Standards for Post-Construction Storm Water Runoff:**

(1) The Oakland County "Post-Construction Storm Water Runoff Program" as amended from time to time, are hereby adopted by the Village of Beverly Hills in this article for the control and treatment of stormwater runoff.

(2) All permanent and temporary stormwater management BMPs, constructed as part of the requirements of this section, are subject to this article.

(3) This article also applies to any activities which may affect the quantity or quality of a private or stormwater conveyance system or any waterway within the Village. Any person(s) engaged in activities that may result in excessive quantities or pollutants entering any stormwater conveyance systems or waterways may be subject to the remedies for violation of this section. Examples of such pollutants may include, but is not limited to, debris, concrete washings, de-icing materials, fertilizers, heavy metals, automobile fluids, topsoil, yard wastes, and commercial or light industrial wastes.

(4) Natural swales and channels should be preserved, whenever possible. If channel modification must occur, the physical characteristics of the modified channel will meet the existing channel in length, cross-section, slope, sinuosity, and carrying capacity. Streams and channels will be expected to withstand all events up to the two-year storm without increased erosion.

(5) The Village recognizes that, due to the specific requirements of any given development, inflexible application of the design standards may result in development with excessive paving, stormwater runoff, and a waste of space which could be left as an open space. The Village *Engineer* shall have the authority to grant waivers from specific control provisions of the stormwater management standards due to site-specific conditions, *but only if the waiver(s) are as restrictive as the Oakland County Standards*. The waiver shall be appropriate under the following criteria: (1) Because of unusual topographical or field conditions, there are undue burdens in the way of carrying out the strict letter of this article. (2) The proposed variance will not adversely affect the purpose or objectives of this article or otherwise impair the public health, safety, comfort, and welfare. (3) Reasonable and appropriate conditions may be attached to a grant of a waiver to ensure that the stormwater system improvements will continue to meet the criteria in the future. To receive a waiver, the owner of the property must provide a written request, engineering drawings and/or plans, stated reason for the waiver, and any other information requested by the Village to help determine whether a waiver is appropriate.

(2) Definitions. For the purpose of this Chapter, the following definitions are applicable:

Authorized agency means employees or designees of the director or directors of the municipal agency or agencies of the Village of Beverly Hills designated to administer or enforce this Chapter.

Illicit connection means any drain or conveyance, whether on the surface or subsurface, which allows the discharge of sanitary waste to the municipal separate storm sewer system and any connections to the municipal separate storm sewer system from indoor drains and sinks.

Illicit discharge means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges authorized by an NPDES permit or other discharges authorized by the Village and MDEQ.

Municipal separate storm sewer or MS4 means a conveyance or systems of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains which meets the following criteria:

- (1) Owned or operated by the Village of Beverly Hills.
- (2) Designed or used for collecting or conveying storm water.
- (3) Which is not a combined sewer conveying both sanitary wastewater and storm water.
- (4) Which is not part of publicly owned wastewater treatment works that provides secondary or more stringent treatment.

Non-storm water discharge means any discharge to the municipal separate storm sewer system that is not composed entirely of storm water.

Storm Water means surface runoff and drainage of rainfall and snow or ice melt.

Waters of the State means those portions of the Rouge River and the Great Lakes within the boundaries of Michigan, all lakes, bays, rivers, streams, springs, ponds, well, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.

30.03 APPLICABILITY

This Chapter shall apply to all discharges to the MS4 and to all activities that can reasonably be expected to result in a discharge to the MS4.

30.04 RESPONSIBILITY FOR ADMINISTRATION

The Village of Beverly Hills shall administer, implement, and enforce the provisions of this Chapter. Any powers granted or duties imposed by this Chapter upon the authorized agency may be delegated by the Village to persons or entities acting in the beneficial interest of or in the employ of the Village.

30.05 ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated to this Chapter are minimum standards; therefore, this Chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution nor unauthorized discharges.

30.06 DISCHARGE PROHIBITIONS

- (1) Prohibition of Illicit Discharges.

No person shall discharge or cause to be discharged into the MS4 or waters of the State of any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited; **however, the following discharges are exempt from prohibition as described:**

1. Water line flushing and discharges from potable water sources
2. Landscape irrigation runoff, lawn watering runoff, and irrigation waters

3. Diverted stream flows and flows from riparian habitats and wetlands
4. Rising groundwaters and springs
5. Uncontaminated groundwater infiltration and seepage
6. Uncontaminated pumped groundwater, except for groundwater cleanups specifically authorized by NPDES permits
7. Foundation drains, water from crawl space pumps, footing drains, and basement sump pumps **provided they are not directly connected**
8. Air conditioning condensation
9. Waters from noncommercial car washing
10. Street wash water
11. Dechlorinated swimming pool water from single, two, or three family residences.
- 12. The discharges or flows from firefighting activities if they are identified as not being a significant source of pollutants to the waters of the state**

(2) Prohibition of Illicit Connections.

(a) The construction, use maintenance or continued existence of illicit connections to the MS4 is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) A person is considered to be in violation of this Chapter if the person connects a line conveying sanitary waste in the MS4 or allows such a connection to continue.

(d) If, subsequent to eliminating a connection found to be in violation of this Article, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request Village approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense **and shall be run through the appropriate permitting process.**

30.07 WASTE DISPOSAL PROHIBITIONS

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or waters of the State, any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

30.08 WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned

structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property.

30.09 DISCHARGES IN VIOLATION OF INDUSTRIAL OR CONSTRUCTION ACTIVITY NPDES STORM WATER DISCHARGE PERMIT

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Public Works Director prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

30.10 MONITORING OF DISCHARGES

Access to Facilities

The authorized agency shall be permitted to enter and inspect facilities subject to regulation under this Chapter as often as may be necessary to determine compliance with this Chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized agency. During any inspection as provided herein, the authorized agency may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into storm water, the MS4, or water of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the authorized agency within three business days of the phone notice.

30.11 MAINTENANCE AGREEMENTS

Maintenance Agreement.

A maintenance agreement shall be required between the Village and the Owner for all vegetative, structural, and stormwater best management practices (BMPs) to be constructed on site, as referenced in Section 22.09.080 of the Village Ordinances. For projects in which the Oakland County Standards for

Post-Construction Storm Water Runoff apply, stormwater facilities shall be maintained by the Owner and shall be repaired and/or replaced by such person when such facilities are no longer functioning as designed. Records of installation and maintenance and repair shall be retained by the Owner and shall be made available to the City upon request. The maintenance agreement shall be binding on all subsequent owners of land served by the stormwater management and facilities and shall be recorded in the office of the Oakland County register of deeds prior to the effectiveness of the approval of the Village of Beverly Hills Village Council. If the stormwater management BMPs have not been adequately maintained, the Village may notify the Owner(s) in writing and require the necessary maintenance or repairs within 90 (or 120?) days of the written notice. Should the Owner fail to comply with the provisions of this Article, the Village may, after giving reasonable notice and opportunity for compliance, have the necessary work done and the Owner shall be obligated to promptly reimburse the Village for all such costs incurred.

30.12 NOTICE OF VIOLATION

Whenever the Village finds that a person has violated a prohibition or failed to meet a requirement of this Article, the Village 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. That violating discharges, practices, or operations shall cease and desist;
- d. The abatement or remediation of storm water 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. Control measures or BMPs implemented or installed at violation source.

30.13 REQUIREMENT TO REMEDIATE

Whenever the Village finds that a discharge of pollutants or illicit connection is taking place or has occurred which will result in or has resulted in pollution of storm water, the storm drain system, or water of the United States, the Village may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within 120 days of notification.

30.14 APPEAL

Notwithstanding the provisions of Section 14 below, any person receiving a Notice of Violation under Section 11 above may appeal the determination of the Village Manager. The notice of appeal must be received by the Village Manager within 5 days from the date of the Notice of Violation. Hearing on the appeal before the Village Manager or his/her designee shall take place within 15 days from the date of Village's receipt of the notice of appeal. The decision of the Village Manager or designee shall be final.

30.15 ENFORCEMENT, PENALTIES AND REMEDIES

a. Penalties. Any person(s) violating any provision of this Ordinance shall be responsible for a municipal civil infraction, as referenced in Section 1.06.01 of the Village Ordinances. This procedure is also enforced for the post construction design standards, as well as long term operations and maintenance agreements, as referenced in 22.09.080 of the Village Ordinances. {Entire Chapter Added Ord. 352; 10-11-14}

DRAFT

PERMIT NO. MI0060089

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY



**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*, as amended; the "Federal Act"); Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); Part 41, Sewerage Systems, of the NREPA; and Michigan Executive Order 2019-06,

Oakland County
Water Resources Commissioner's Office
One Public Works Drive, Building 95 West
Waterford, MI 48328

is authorized to discharge from the Municipal Separate Storm Sewer System (MS4)

designated as **Oakland CDC MS4**

to surface waters of the state of Michigan in accordance with effluent limitations, monitoring requirements, and other conditions set forth in this permit.

This permit takes effect on January 1, 2021. This permit is based on a complete application submitted on March 24, 2008, as amended through July 16, 2020.

The provisions of this permit are severable. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term in accordance with applicable laws and rules. On its effective date this permit shall supersede Certificate of Coverage No. MIG610042, issued on December 16, 2003, which is hereby revoked upon the effective date of this permit.

This permit and the authorization to discharge shall expire at midnight, **October 1, 2023**. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit an application which contains such information, forms, and fees as are required by the Department of Environment, Great Lakes, and Energy (Department) by **April 4, 2023**.

Issued: November 12, 2020.

Original signed by Christine Alexander
Christine Alexander, Manager
Permits Section
Water Resources Division

PERMIT FEE REQUIREMENTS

In accordance with Section 324.3118 of the NREPA, the permittee shall make payment of an annual storm water fee to the Department for each January 1 the permit is in effect regardless of occurrence of discharge. The permittee shall submit the fee in response to the Department's annual notice. Payment may be made electronically via the Department's MiWaters system. The MiWaters website is located at <https://miwaters.deq.state.mi.us>. Payment shall be submitted or postmarked by March 15 for notices mailed by February 1. Payment shall be submitted or postmarked no later than 45 days after receiving the notice for notices mailed after February 1.

Annual Permit Fee Classification: Municipal Storm Water – County

CONTACT INFORMATION

Unless specified otherwise, all contact with the Department required by this permit shall be made to the Warren District Office of the Water Resources Division. The Warren District Office is located at 27700 Donald Court, Warren, MI 48092-2793, Telephone: 586-753-3700, Fax: 586-751-4690.

CONTESTED CASE INFORMATION

Any person who is aggrieved by this permit may file a sworn petition with the Michigan Administrative Hearing System within the Michigan Department of Licensing and Regulatory Affairs, c/o the Michigan Department of Environment, Great Lakes, and Energy, setting forth the conditions of the permit which are being challenged and specifying the grounds for the challenge. The Department of Licensing and Regulatory Affairs may reject any petition filed more than 60 days after issuance as being untimely.

PART I**Section A. Limitations and Monitoring Requirements****1. Authorized Discharges**

- a. **Authorized Outfalls and Points of Discharge**
This permit authorizes the discharge of storm water from the permittee's MS4 to the surface waters of the state via the outfalls and points of discharge identified in the permittee's application and as modified in accordance with this permit. Such discharges shall be controlled and monitored by the permittee in accordance with this permit.
- b. **Nested MS4 Discharges**
This permit authorizes the discharge of storm water to surface waters of the state from a nested MS4 owned or operated by public bodies that include, but are not limited to, public school districts; public universities; airports; or county, state, or federal agencies. The permittee may request to modify permit coverage to add or remove a nested MS4 by submitting a request to the Department for approval. Modifications to the permit coverage may result in a permit modification, after opportunity for public comment.
- c. **Discharges Authorized Under Other National Pollutant Discharge Elimination System (NPDES) Permits**
This permit does not prohibit the use of an MS4 for other discharges authorized under other NPDES permits, or equivalent Department approval under the NREPA or the Federal Act.
- d. **Water Quality Requirements**
Discharges from the permittee's MS4 shall not cause or contribute to an exceedance of water quality standards in the receiving waters. This includes, but is not limited to, the requirement set forth in R 323.1050 of the Water Quality Standards stating that the receiving waters shall not have any of the following unnatural physical properties as a result of the discharge, in quantities which are or may become injurious to any designated use: turbidity, color, oil films, floating solids, foams, settleable solids, suspended solids, or deposits.

2. Outfall or Point of Discharge Identified, Constructed, or Installed After Permit Issuance

- a. **Outfall or Point of Discharge Within the Permittee's Regulated Area**
Authorization from the Department is required to discharge storm water to a surface water of the state from a permittee owned or operated outfall or point of discharge identified, constructed, or installed after issuance but during the term of this permit and located within the permittee's regulated area as identified in the application. For each outfall or point of discharge identified, constructed, or installed after issuance but during the term of this permit, the permittee shall request authorization to discharge storm water by providing the following to the Department in a written request:
 - 1) whether the discharge is from an outfall or point of discharge;
 - 2) the outfall or point of discharge identification number assigned by the permittee;
 - 3) the surface water of the state receiving the discharge from the outfall or point of discharge;
 - 4) a certification statement that the outfall or point of discharge is within the permittee's regulated area as identified in the application;
 - 5) a certification statement that the previously approved Storm Water Management Program (Part I.A.3. of this permit) includes best management practices (BMPs) to comply with the minimum requirements of the permit for the outfall or point of discharge; and

PART I

Section A. Limitations and Monitoring Requirements

- 6) a certification statement that the previously approved Storm Water Management Program (Part I.A.3. of this permit) is being implemented in the regulated area served by the outfall or point of discharge, including having available an up-to-date storm sewer system map required in Part I.A.3.d.1) of this permit.
- b. Outfall or Point of Discharge Outside the Permittee's Regulated Area
Authorization from the Department is required to discharge storm water to a surface water of the state from a permittee owned or operated outfall or point of discharge identified, constructed, or installed after issuance but during the term of this permit and located outside the permittee's regulated area as identified in the application (e.g., area served by an expanded MS4 or area previously served by a combined sewer system that is now separated). For each outfall or point of discharge identified, constructed, or installed after issuance but during the term of this permit, the permittee shall request authorization to discharge storm water by providing the following to the Department in a written request:
 - 1) whether the discharge is from an outfall or point of discharge;
 - 2) the outfall or point of discharge identification number assigned by the permittee;
 - 3) the surface water of the state receiving the discharge from the outfall or point of discharge;
 - 4) a map identifying the expanded regulated area served by the permittee's MS4;
- 5) a certification statement that the previously approved Storm Water Management Program (Part I.A.3. of this permit) includes BMPs to comply with the minimum requirements of the permit for the outfall or point of discharge and expanded regulated area; and
- 6) a certification statement that the previously approved Storm Water Management Program (Part I.A.3. of this permit) is being implemented in the expanded regulated area served by the outfall or point of discharge, including having available an up-to-date storm sewer system map as required in Part I.A.3.d.1) of this permit.
- c. Upon review of the request to authorize the discharge from an outfall or point of discharge identified, constructed, or installed after issuance but during the term of this permit in accordance with Part I.A.2.a. or Part I.A.2.b. of this permit, the Department may determine that a permit modification is required, after opportunity for public comment. The Department will notify the permittee if a modification is required.

3. Storm Water Management Program (SWMP)

The permittee submitted a SWMP with its application for an NPDES permit. The SWMP is approved as submitted. The permittee shall implement the approved SWMP to comply with the minimum requirements identified in this permit. The SWMP shall cover the regulated area served by, or otherwise contributing to discharges from, the MS4 owned or operated by the permittee identified in the application. The permittee shall implement and enforce the SWMP to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the NREPA and the Federal Act. The approved SWMP is an enforceable part of this permit and any Department approved modifications made to the SWMP shall also become enforceable parts of this permit.

- a. Enforcement Response Procedure (ERP)
The permittee shall implement the ERP for violations of the permittee's ordinances or regulatory mechanisms identified in the SWMP to the maximum extent practicable. The ERP shall be implemented to compel compliance with the permittee's ordinances and/or regulatory mechanisms and to deter continuing violations.

PART I

Section A. Limitations and Monitoring Requirements

The permittee shall track and document all enforcement conducted pursuant to the permittee's ERP. At a minimum, the permittee shall track and document the following: the name of the person responsible for violating the permittee's ordinance or regulatory mechanism; the date and location of the violation; a description of the violation; a description of the enforcement response used; a schedule for returning to compliance; and the date the violation was resolved.

b. Public Participation/Involvement Program (PPP)

The permittee shall implement the PPP to encourage public participation/involvement in the implementation and periodic review of the SWMP to the maximum extent practicable. The permittee shall implement the PPP as part of the SWMP. The permittee has chosen to work collaboratively with watershed or regional partners to implement the PPP or part of the PPP, therefore each permittee working collaboratively is responsible for complying with the PPP as described in the SWMP.

The PPP requires implementation of the following minimum requirements:

- 1) The procedure for making the SWMP available for public inspection and comment, including complying with local public notice requirements, as appropriate; and
- 2) The procedure for inviting public participation and involvement in the implementation and periodic review of the SWMP.

c. Public Education Program (PEP)

The permittee shall implement the PEP as part of the SWMP to the maximum extent practicable. At the minimum, the PEP shall promote, publicize, and facilitate education for the purpose of encouraging the public to reduce the discharge of pollutants in storm water runoff. The PEP shall be implemented to achieve measurable improvements in the public's understanding of storm water pollution and efforts to reduce the impacts of storm water pollution.

The PEP requires implementation of the following minimum requirements:

- 1) BMPs to address the following PEP topics:
 - (a) Promote public responsibility and stewardship in the permittee's watershed.
 - (b) Inform and educate the public about the connection of the MS4 to area waterbodies and the potential impacts discharges can have on surface waters of the state.
 - (c) Educate the public on illicit discharges and promote public reporting on illicit discharges and improper disposal of materials into the MS4.
 - (d) Promote preferred cleaning materials and procedures for car, pavement, and power washing.
 - (e) Inform and educate the public on proper application and disposal of pesticides, herbicides, and fertilizers.
 - (f) Promote proper disposal practices for grass clippings, leaf litter, and animal wastes that may enter into the MS4.
 - (g) Identify and promote the availability, location, and requirements of facilities for collection or disposal of household hazardous wastes, travel trailer sanitary wastes, chemicals, and motor vehicle fluids.
 - (h) Inform and educate the public on proper septic system care and maintenance, and how to recognize system failure.

PART I

Section A. Limitations and Monitoring Requirements

- (i) Educate the public on, and promote the benefits of, green infrastructure and Low Impact Development.
- (j) Identify and educate commercial, industrial, and institutional entities likely to contribute pollutants to storm water runoff.

2) The procedure for determining the overall effectiveness of implementation and the process for modifying the PEP to address ineffective implementation. The Department may determine that a permit modification is required, after opportunity for public comment, based on modifications to the PEP. The Department will notify the permittee if a modification is required.

d. Illicit Discharge Elimination Program (IDEP)

The permittee shall implement and enforce the IDEP to detect and eliminate illicit discharges and connections to the permittee's MS4. The permittee shall implement the IDEP as part of the SWMP to the maximum extent practicable. The permittee has chosen to work collaboratively with watershed or regional partners to implement the IDEP or part of the IDEP, therefore each permittee working collaboratively is responsible for complying with the IDEP as described in the SWMP.

The IDEP requires implementation of the following minimum requirements:

1) An available, up-to-date storm sewer system map identifying the following: the storm sewer system, location of all outfalls and points of discharge the permittee owns or operates in the regulated area, and the names and location of all surface waters of the state that receive discharges from the permittee's MS4. The map shall be retained by the permittee and made available to the Department upon request. The map shall be maintained and updated as outfalls and points of discharge are identified, constructed, and installed in accordance with Part I.A.2. of this permit.

2) The plan to detect and eliminate non-storm water discharges to the permittee's MS4, including illegal dumping/spills. The plan includes the following:

- a) A procedure for identifying priority areas for field observations. The permittee shall conduct field observations in accordance with the procedure identifying the priority area(s) developed as part of the IDEP.
- b) A procedure for conducting field observations, field screening, and source investigations. The permittee shall conduct a field observation in accordance with the procedure during dry-weather at least once during the term of the permit. Field screening and source investigation shall be conducted in accordance with the schedule in the procedure.

Field observations, field screening, and source investigations shall include the following:

(1) Field Observation – The permittee shall observe the outfall or point of discharge for the following during dry-weather in accordance with the procedure: presence/absence of flow, water clarity, color, odor, floatable materials, deposits/stains on the discharge structure and bank, vegetation condition, structural condition, and biology (e.g. bacterial sheens, algae, and slimes).

(2) Field Screening – If flow is observed at an outfall or point of discharge, the permittee shall analyze the flow for the indicator parameters identified in the procedure. If the source of an illicit discharge is identified during the field observation, field screening may not be necessary.

PART I

Section A. Limitations and Monitoring Requirements

(3) Source Investigation – If the source of the illicit discharge was not identified by the field screening, the permittee shall conduct an investigation to identify the source in accordance with the procedure. If the permittee opts to use tracer dyes, the discharge of the dyes shall be authorized in accordance with Part I.A.6. of this permit.

If the permittee is made aware of non-storm water discharges outside the priority areas, illegal dumping/spills, or complaints received, the permittee shall conduct field observations and follow-up field screening and source investigations as appropriate in accordance with the procedure, including the schedule, in the IDEP. The permittee shall immediately report any release of any polluting material which occurs to the surface waters or groundwaters of the state in accordance with Part II.C.7. of this permit.

- c) A procedure for responding to illicit discharges and pursuing enforcement action. The permittee shall implement the procedure to respond and pursue enforcement action once the source of the illicit discharge is identified, including the corrective action required to eliminate the illicit discharge. The permittee shall also implement the procedure to respond to illegal spills/dumping. For each illicit discharge not eliminated within 90 days of its discovery, the permittee shall provide, with the next progress report due, a written certification that the illicit discharge was eliminated or a description of how the illicit discharge will be eliminated.

3) The employee training program, which includes the following:

- a) Training on techniques for identifying illicit discharges and connections, including field observations, field screening, and source investigations;
- b) Training on procedures for reporting, responding to, and eliminating an illicit discharge or connection and the proper enforcement response; and
- c) A schedule and requirement for training at least once during the term of the permit for existing staff and within the first year of hire for new staff.

4) The procedure for IDEP evaluation and determining the overall effectiveness of the IDEP.

e. Construction Storm Water Runoff Control Program

The permittee shall implement the construction storm water runoff control program to address areas of construction activity that disturb one (1) or more acres, including projects less than one (1) acre that are part of a larger common plan of development or sale. The permittee shall implement the construction storm water runoff control program as part of the SWMP to the maximum extent practicable.

The construction storm water runoff control program requires implementation of the following minimum requirements:

- 1) The procedure to notify the Part 91 Agency, or appropriate staff (if the permittee is a Part 91 Agency), when soil or sediment is discharged to the permittee's MS4 from a construction activity.
- 2) The procedure to notify the Department when soil, sediment, or other pollutants are discharged to the permittee's MS4 from a construction activity.
- 3) The procedure for ensuring that construction activity one (1) acre or greater in total earth disturbance with the potential to discharge to the permittee's MS4 obtains a Part 91 permit or is conducted by an approved Authorized Public Agency, as appropriate.
- 4) The procedure to advise the landowner or recorded easement holder of the State of Michigan Permit by Rule (R 323.2190 of the Part 21 Rules promulgated pursuant to Part 31 of the NREPA).

PART I**Section A. Limitations and Monitoring Requirements****f. Post-Construction Storm Water Runoff Program**

The permittee shall implement and enforce the program to address post-construction storm water runoff from new development and redevelopment projects that disturb one (1) or more acres, including projects less than one (1) acre that are part of a larger common plan of development or sale, and that discharge into the permittee's MS4. The permittee shall implement and enforce the post-construction storm water control program as part of the SWMP, to the maximum extent practicable and in accordance with the approved ordinance or regulatory mechanism.

1) On or before March 1, 2021, the permittee shall submit to the Department for approval an in-effect Post-Construction Storm Water Control regulatory mechanism to achieve the post-construction storm water runoff performance standards set forth in a) and b) below at the project site (including projects where the permittee is the project developer). Upon Department approval of the in-effect regulatory mechanism, the permittee shall implement and enforce the regulatory mechanism requiring implementation of BMPs by the project developer (including the permittee if the permittee is the project developer) to achieve the post-construction storm water runoff performance standards at the project site to the maximum extent practicable.

a) **Water Quality Control Performance Standard**

Treat the post-development runoff volume generated from a 1.0-inch rainfall event. BMPs shall be designed on a site-specific basis to achieve a minimum of 80 percent removal of total suspended solids (TSS) as compared with uncontrolled runoff or a discharge concentration of TSS not to exceed 80 milligrams per liter (mg/l).

b) **Channel Protection Control Performance Standard (CPC)**

The CPC shall be implemented to limit the surface runoff rate and volume at the project site to maintain or restore stable hydrology in receiving waters. An alternative CPC was approved as part of the SWMP. The alternative CPC requires implementation of the following at the project site to the maximum extent practicable:

(1) **Channel Protection Volume Control (CPVC):** Retain onsite the post-development runoff volume from a 1.3-inch rainfall event, and

(2) **Channel Protection Rate Control (CPRC):** Provide extended detention for the post-development runoff volume from a 1.9-inch rainfall event.

On or before April 1, 2022 and on or before April 1 of each year following, as part of the approved alternative, the permittee shall submit an annual report to the Department for the previous calendar year documenting the results of implementing the alternative CPC within the regulated area. The annual report shall tabulate the following for each development or redevelopment project subject to the permittee's alternative CPC (including projects where the permittee is the project developer) and provide an overall summary for each reporting line:

- (1) Change in impervious area, pervious area by cover type, and total area by site.
- (2) CPVC volume provided at the site.
- (3) Difference between required and provided CPVC volume by site.
- (4) Percent of site in each Hydrologic Soil Group (Type A, B, C, D).
- (5) Site location in geographic information system (GIS) polygon format.
- (6) Site outfalls and points of discharge in GIS point format.

PART I

Section A. Limitations and Monitoring Requirements

(7) Site MS4 outfall drainage area in GIS polygon format, including any offsite drainage that passes through the outfall or points of discharge.

(8) CPRC volume provided at the site.

(9) Difference between required and provided CPRC volume by site.

The Department will provide a written determination to the permittee based on the review of each progress report. The permittee shall submit available documentation to support implementation of the alternative CPC, such as approved project plans, upon request. The permittee may submit information to support implementation of the alternative CPC in addition to the reporting requirements above as part of the progress report.

The alternative CPC approval is limited to the permit term. The results from the annual reports will be evaluated as part of permit reissuance using methods agreed to by the permittee and the Department, which may result in an updated alternative CPC. A modification to the alternative CPC during the permit term will result in a permit modification after opportunity for public comment.

2) The permittee shall implement and enforce the following site-specific requirements as part of meeting the post-construction storm water runoff performance standards set forth in a) and b), above:

- a) The procedure for reviewing the use of infiltration BMPs to achieve the performance standards in areas of soil or groundwater contamination in a manner that does not exacerbate existing conditions.
- b) The ordinance or regulatory mechanism requiring BMPs to address the associated pollutants in potential hot spots as part of meeting the performance standards. Hot spots include areas with the potential for significant pollutant loading including, but not limited to, the following: gas stations; vehicle maintenance and repair; auto recyclers; recycling centers and scrap yards; landfills; solid waste facilities; and railroads. Hot spots also include areas with the potential for contaminating public water supply intakes.

3) All structural and vegetative BMPs installed and implemented to meet the performance standards shall be operated and maintained in perpetuity by the BMP owner/operator. The permittee shall implement and enforce the ordinance or regulatory mechanism program to ensure long-term operation and maintenance of BMPs.

4) The ordinance or regulatory mechanism and procedures for site plan review and approval for projects that disturb one (1) or more acres, including projects less than one (1) acre that are part of a larger common plan of development or sale, and discharge to the permittee's MS4, including projects where the permittee is the developer. The site plan review and approval shall demonstrate compliance with the performance standards and long-term operation and maintenance requirements of this permit.

- g. **Pollution Prevention and Good Housekeeping Activities for Municipal Operations**
The permittee shall implement the pollution prevention and good housekeeping program with the goal of preventing or reducing pollutant runoff from municipal facilities and operations that discharge storm water to surface waters of the state. The permittee shall implement the program as part of the SWMP to the maximum extent practicable.

PART I

Section A. Limitations and Monitoring Requirements

1) Municipal Facility and Structural Storm Water Control Inventory

The permittee shall make available to the Department upon request an up-to-date map or maps of the facilities and structural storm water controls owned or operated by the permittee with a discharge to surface waters of the state in the regulated area. In accordance with the procedure for updating and revising the permittee's facility inventory and map(s), the permittee shall submit to the Department the type and location for any new facility obtained or constructed during this permit term with a discharge of storm water to surface waters of the state and the information requested in Part I.A.2. of the permit.

2) Facility-Specific Storm Water Management

The permittee shall implement the facility-specific standard operating procedure (SOP) for each facility the permittee identified as having the high potential to discharge pollutants to surface waters of the state. The permittee shall implement the BMPs identified in the procedure to prevent or reduce pollutant runoff at each facility the permittee identified as having the medium or low potential to discharge pollutants to surface waters of the state. The permittee shall assess new facilities for the potential to discharge pollutants to surface waters of the state in accordance with the procedure to determine a priority level. High-priority facilities shall include permittee-owned or operated fleet maintenance and storage yards unless a demonstration is submitted and approved by the Department demonstrating how the permittee's fleet maintenance or storage yard has the low potential to discharge pollutants to surface waters of the state. The assessment shall be submitted in writing to the Department for approval within 30 days of ownership or operation of the new facility. The permittee shall certify in writing to the Department that a facility-specific SOP is being implemented within 90 days of ownership or operation of a new high-priority facility. Within 90 days of ownership or operation, the permittee shall certify in writing to the Department that BMPs are being implemented in accordance with the procedure developed to prevent or reduce pollutant runoff at each new medium- or low-priority facility. For new facilities, the Department may determine that a permit modification is required, after opportunity for public comment. The Department will notify the permittee if a modification is required. The permittee shall document all other changes to the facility assessment as part of the progress report and as an update to the procedure.

The facility-specific SOP shall be kept at the site described in the SOP and made available upon request by the Department. The facility-specific SOP for each high-priority facility shall include implementation of the following.

- a) Structural and non-structural storm water controls to prevent or reduce the discharge of pollutants to surface waters of the state.
- b) Up-to-date list of significant materials stored on-site that could pollute storm water with a description of the handling and storage requirements and potential to discharge for each significant material.
- c) Good housekeeping practices including, but not limited to, maintaining a clean and orderly facility, properly storing and covering materials, and minimizing pollutant sources to prevent or reduce pollutant runoff.
- d) Routine maintenance and inspections of storm water management and control devices to ensure materials and equipment are clean and orderly and prevent or reduce pollutant runoff. The written report of the inspection and corrective actions shall be retained in accordance with Part II.B.5. of this permit.
- e) Comprehensive site inspections at least once every six (6) months. The comprehensive site inspection shall include an inspection of all structural storm water controls and a review of non-structural storm water controls to prevent or reduce pollutant runoff. A written report of the inspection and corrective actions shall be retained in accordance with Part II.B.5. of this permit.

PART I**Section A. Limitations and Monitoring Requirements****3) Structural Storm Water Control Operation and Maintenance Activities**

- a) The permittee shall implement the procedures for inspecting, cleaning, and maintaining permittee-owned or operated catch basins in the regulated area using the priority level assigned to each catch basin. The permittee shall document changes to the priority level for a catch basin as part of the progress report and as an update to the procedure.

The permittee shall also implement the procedure for dewatering and disposal of materials extracted from the catch basins in accordance with Part 111 (Hazardous Waste), Part 115 (Solid Waste), and Part 121 (Liquid Industrial Waste) of the NREPA.

- b) The permittee shall implement the procedure for inspecting and maintaining permittee-owned or operated structural storm water controls other than catch basins in the regulated area. The permittee shall document changes to the procedure as part of the progress report and as an update to the procedure.
- c) The permittee shall implement the procedure requiring that new permittee-owned or operated facilities or structural storm water controls to address water quantity be designed and implemented in accordance with the post-construction storm water runoff performance standards and long-term operation and maintenance requirements in Part I.A.3.f. of this permit.

4) Municipal Operations and Maintenance Activities

- a) The permittee shall implement the procedure, including the BMPs identified, to prevent or reduce pollutant runoff from the permittee's operation and maintenance activities identified in the SWMP. The permittee shall document changes to the assessment of operation and maintenance activities for the potential to discharge pollutants to surface waters of the state as part of the progress report and as an update to the procedure.
- b) The permittee shall implement the procedure for the street sweeping program for permittee-owned or operated streets, parking lots, or other impervious infrastructure in the regulated area using the sweeping methods and assigned priority levels identified in the procedure. The permittee shall document changes to the priority level for a street, parking lot, or other impervious infrastructure as part of the progress report and as an update to the procedure.

The permittee shall also implement the procedure for dewatering and disposal of street sweeper waste material.

5) Managing Vegetated Properties

The permittee shall implement the procedure requiring the permittee's pesticide applicator to be certified by the State of Michigan as an applicator in the applicable category, to prevent or reduce pollutant runoff from vegetated land.

6) Employee Training

The permittee shall implement the employee training program to train employees involved in implementing pollution prevention and good housekeeping activities. At a minimum, existing staff shall be trained once during the permit cycle and new hire employees within the first year of their hire date.

7) Contractor Requirements and Oversight

The permittee shall implement the procedure requiring contractors hired by the permittee to perform municipal operation and maintenance activities that comply with the permittee's pollution prevention and good housekeeping program and contractor oversight to ensure compliance.

PART I**Section A. Limitations and Monitoring Requirements**

- h. Total Maximum Daily Load (TMDL) Implementation Plan
The permittee shall implement the TMDL Implementation Plan to reduce the discharge of pollutants from the permittee's MS4 to make progress in meeting Water Quality Standards. The permittee shall implement the TMDL Implementation Plan as part of the SWMP.

The following TMDLs are applicable to the discharge from the permittee's MS4:

<u>Name of TMDL</u>	<u>Pollutant of Concern</u>
Clinton River	<i>E.coli</i>
Red Run Drain and Bear Creek	<i>E.coli</i>
Rouge River	Biota (sediment) and <i>E.coli</i>
Johnson Creek	Dissolved oxygen
Kent Lake	Phosphorus
Norton Creek	Dissolved oxygen
Strawberry Lake	Phosphorus

The permittee shall implement the prioritized BMPs included in the TMDL Implementation Plan during the permit cycle to make progress in achieving the pollutant load reduction requirement in the TMDL. The permittee shall review, update, and revise the list of BMPs implemented as part of the TMDL Implementation Plan in accordance with the procedure included in the SWMP. The Department may determine that a permit modification is required, after opportunity for public comment, based on modifications to the TMDL Implementation Plan. The Department will notify the permittee if a modification is required.

The permittee shall implement the monitoring plan included in the TMDL Implementation Plan for assessing the effectiveness of the BMPs implemented in making progress toward achieving the TMDL pollutant load reduction. Available monitoring data shall be submitted with each progress report.

4. SWMP Modifications

- a. SWMP Modifications Requested by the Permittee
Modifications to the previously approved SWMP may be requested by the permittee as follows:
- 1) Modifications adding BMPs (but not replacing, subtracting, or affecting the level of implementation of any other BMP) to the previously approved SWMP may be made by the permittee at any time upon written notification to the Department. Notification shall include a description of the modification, which may include a description of a new BMP with a corresponding measurable goal. Upon notification to the Department, the modification is considered an enforceable part of the approved SWMP.
 - 2) Modifications replacing an ineffective or unfeasible BMP identified in the previously approved SWMP with an alternative BMP may be requested at any time by written notification to the Department. The ineffective or unfeasible BMP identified shall not be replaced in the previously approved SWMP unless the replacement is approved by the Department. Modifications to the previously approved SWMP may result in a permit modification after opportunity for public comment. Such requests shall include the following:
 - a) an analysis of why the BMP is ineffective or unfeasible (including cost-prohibitive);
 - b) a measurable goal for the replacement BMP; and
 - c) an analysis of why the replacement BMP is expected to achieve the intent of the BMP to be replaced.

PART I

Section A. Limitations and Monitoring Requirements

3) Modifications subtracting an ineffective or unfeasible BMP identified in the previously approved SWMP may be requested by written notification to the Department. The identified BMP shall not be subtracted from the previously approved SWMP unless the subtraction is approved by the Department. Modifications to the previously approved SWMP may result in a permit modification after opportunity for public comment. Such requests shall include the following:

- a) an analysis of why the BMP is ineffective or unfeasible (including cost prohibitive); and
- b) a determination of why the removal of the BMP will not change the permittee's ability to comply with the permit requirements.

b. Modifications Required by the Department

The Department may require the permittee to modify the SWMP as needed to:

- 1) address contributions from the permittee's MS4 discharge that impair receiving water quality;
- 2) include more stringent requirements necessary to comply with new state or federal statutory or regulatory requirements; and/or
- 3) include such other conditions deemed necessary by the Department to comply with the goals and requirements of the Federal Act or the NREPA, including the requirement to reduce the discharge of pollutants from the MS4 to the maximum extent practicable.

5. Request for Approval to Use Water Treatment Additives

This permit does not authorize the use of any water treatment additive without prior written approval from the Department. Such approval is authorized under separate correspondence. Water treatment additives include any materials that are added to water used at the facility, or to wastewater generated by the facility, to condition or treat the water. Permittees proposing to use water treatment additives, including a proposed increased concentration of a previously approved water treatment additive, shall submit a request for approval via the Department's MiWaters system. The MiWaters website is located at <https://miwaters.deq.state.mi.us>. Instructions for submitting such a request may be obtained at <http://www.michigan.gov/npdes> (near the bottom of that page, click on one or both of the links located under the Water Treatment Additives banner). Additional monitoring and reporting may be required as a condition of approval to use the water treatment additive.

A request for approval to use water treatment additives shall include all of the following usage and discharge information for each water treatment additive proposed to be used:

- a. The Safety Data Sheet (SDS);
- b. Ingredient information, including the name of each ingredient, CAS number for each ingredient, and fractional content by weight for each ingredient;
- c. The proposed water treatment additive discharge concentration with supporting calculations;
- d. The discharge frequency (i.e., number of hours per day and number of days per year);
- e. The outfall(s) and monitoring point(s) from which the water treatment additive is to be discharged;
- f. The type of removal treatment, if any, that the water treatment additive receives prior to discharge;
- g. The water treatment additive's function (i.e., microbiocide, flocculant, etc.);
- h. The SDS shall include a 48-hour LC50 or EC50 for a North American freshwater planktonic crustacean (either *Ceriodaphnia* sp., *Daphnia* sp., or *Simocephalus* sp.); The results shall be based on the whole water treatment additive, shall not be results based on a similar product, and shall not be estimated; and

PART I

Section A. Limitations and Monitoring Requirements

- i. The SDS shall include the results of a toxicity test for one (1) other North American freshwater aquatic species (other than a planktonic crustacean) that meets a minimum requirement of R 323.1057(2) of the Water Quality Standards. The results shall be based on the whole water treatment additive, shall not be results based on a similar product, and shall not be estimated. Examples of tests that would meet this requirement include a 96-hour LC50 for rainbow trout, bluegill, or fathead minnow.

6. Tracer Dye Discharges

This permit does not authorize the discharge of tracer dyes without approval from the Department. Requests to discharge tracer dyes shall be submitted to the Department in accordance with Rule 1097 (R 323.1097 of the Michigan Administrative Code).

7. Storm Water Program Manager (Facility Contact)

The "Facility Contact" was specified in the application. The permittee may replace the facility contact at any time, and shall notify the Department in writing within 10 days after replacement (including the name, address and telephone number of the new facility contact).

- a. The facility contact shall be (or a duly authorized representative of this person):
 - for a corporation, a principal executive officer of at least the level of vice president; or a designated representative if the representative is responsible for the overall operation of the facility from which the discharge originates, as described in the permit application or other NPDES form,
 - for a partnership, a general partner,
 - for a sole proprietorship, the proprietor, or
 - for a municipal, state, or other public facility, either a principal executive officer, the mayor, village president, city or village manager or other duly authorized employee.
- b. A person is a duly authorized representative only if:
 - the authorization is made in writing to the Department by a person described in paragraph a. of this section; and
 - the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the facility (a duly authorized representative may thus be either a named individual or any individual occupying a named position).

Nothing in this section obviates the permittee from properly submitting reports and forms as required by law.

PART I**Section B. Program Assessment and Reporting****1. Progress Reports**

Progress reports shall be submitted on or before April 1, 2022 and on or before April 1 every two (2) years following. The Department may approve alternate dates for progress report submittal if requested and adequately justified by the permittee. Each progress report shall contain the following information for the entire period that has elapsed since the last progress report submittal (i.e., the reporting cycle):

- a. **Compliance Assessment**
The permittee shall describe the status of compliance with the approved SWMP identified in Part I.A.3 of this permit. The permittee shall assess and describe the appropriateness of the BMPs identified in the SWMP. The report shall describe the progress made towards achieving the identified measurable goals for each of the BMPs, and specific evaluation criteria as follows:
 - 1) For the PEP, provide a summary of the evaluation of the overall effectiveness of the PEP, using the evaluation methods described in the PEP.
 - 2) For the IDEP, provide a summary of the evaluation and determination of the overall effectiveness of the IDEP, using the evaluation methods described in the IDEP. For each illicit discharge that was not eliminated within 90 days of its discovery the permittee shall provide a written certification that the illicit discharge was eliminated or a description of how the illicit discharge will be eliminated.
 - 3) If applicable, the permittee shall submit to the Department any new outfall or point of discharge information as required in Part I.A.2. of this permit.
 - 4) For the TMDL Implementation Plan, if monitoring data is available in accordance with the monitoring plan, provide an assessment of progress made toward achieving the TMDL pollutant load reduction requirement.
- b. **Data and Results**
The permittee shall provide a summary of all of the information collected and analyzed, including monitoring data, if any, during the reporting cycle.
- c. **Upcoming Activities**
The permittee shall provide a summary of the BMPs to be implemented during the next reporting cycle.
- d. **Changes to BMPs and Measurable Goals**
The permittee shall describe any changes to BMPs or measurable goals in the approved SWMP. In accordance with the permit, these changes will be reviewed to determine if a permit modification is necessary. The Department will notify the permittee if a permit modification is required.
- e. **Notice of Changes in Nested Jurisdiction Agreements**
The permittee shall identify any nested jurisdictions that enter into or terminate permit agreements with the permittee which were not identified in the SWMP. The permittee may request to modify the permit coverage to add or remove a nested MS4 by submitting a request to the Department for approval in accordance with Part I.A.1.b. of this permit. Modifications to the permit coverage may result in a permit modification, after opportunity for public comment.
- f. **Required Signatures**
All reports required by this permit, and other information requested by the Department, shall be signed by either a principal executive officer or ranking elected official, or by a duly authorized representative of that person in accordance with 40 CFR 122.22(b).

PART II

Part II may include terms and /or conditions not applicable to discharges covered under this permit.

Section A. Definitions

Acute toxic unit (TU_A) means $100/LC_{50}$ where the LC_{50} is determined from a whole effluent toxicity (WET) test which produces a result that is statistically or graphically estimated to be lethal to 50% of the test organisms.

Annual monitoring frequency refers to a calendar year beginning on January 1 and ending on December 31. When required by this permit, an analytical result, reading, value or observation shall be reported for that period if a discharge occurs during that period.

Authorized public agency means a state, local, or county agency that is designated pursuant to the provisions of Section 9110 of Part 91, Soil and Sedimentation Control, of the NREPA, to implement soil erosion and sedimentation control requirements with regard to construction activities undertaken by that agency.

Best management practices (BMPs) means structural devices or nonstructural practices that are designed to prevent pollutants from entering into storm water, to direct the flow of storm water, or to treat polluted storm water.

Bioaccumulative chemical of concern (BCC) means a chemical which, upon entering the surface waters, by itself or as its toxic transformation product, accumulates in aquatic organisms by a human health bioaccumulation factor of more than 1000 after considering metabolism and other physiochemical properties that might enhance or inhibit bioaccumulation. The human health bioaccumulation factor shall be derived according to R 323.1057(5). Chemicals with half-lives of less than 8 weeks in the water column, sediment, and biota are not BCCs. The minimum bioaccumulation concentration factor (BAF) information needed to define an organic chemical as a BCC is either a field-measured BAF or a BAF derived using the biota-sediment accumulation factor (BSAF) methodology. The minimum BAF information needed to define an inorganic chemical as a BCC, including an organometal, is either a field-measured BAF or a laboratory-measured bioconcentration factor (BCF). The BCCs to which these rules apply are identified in Table 5 of R 323.1057 of the Water Quality Standards.

Biosolids are the solid, semisolid, or liquid residues generated during the treatment of sanitary sewage or domestic sewage in a treatment works. This includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a derivative of the removed scum or solids.

Bulk biosolids means biosolids that are not sold or given away in a bag or other container for application to a lawn or home garden.

Certificate of Coverage (COC) is a document, issued by the Department, which authorizes a discharge under a general permit.

Chronic toxic unit (TU_C) means $100/MATC$ or $100/IC_{25}$, where the maximum acceptable toxicant concentration (MATC) and IC_{25} are expressed as a percent effluent in the test medium.

Class B biosolids refers to material that has met the Class B pathogen reduction requirements or equivalent treatment by a Process to Significantly Reduce Pathogens (PSRP) in accordance with the Part 24 Rules, Land Application of Biosolids, promulgated under Part 31 of the NREPA. Processes include aerobic digestion, composting, anaerobic digestion, lime stabilization and air drying.

Combined sewer system is a sewer system in which storm water runoff is combined with sanitary wastes.

Continuous monitoring refers to sampling/readings that occur at regular and consistent intervals throughout a 24-hour period and at a frequency sufficient to capture data that are representative of the discharge. The maximum acceptable interval between samples/readings shall be one (1) hour.

PART II

Section A. Definitions

Daily concentration

FOR PARAMETERS OTHER THAN pH, DISSOLVED OXYGEN, TEMPERATURE, AND CONDUCTIVITY – Daily concentration is the sum of the concentrations of the individual samples of a parameter taken within a calendar day divided by the number of samples taken within that calendar day. The daily concentration will be used to determine compliance with any maximum and minimum daily concentration limitations. For guidance and examples showing how to perform calculations using results below quantification levels, see the document entitled “Reporting Results Below Quantification,” available at https://www.michigan.gov/documents/deq/wrd-npdes-results-quantification_620791_7.pdf.

FOR pH, DISSOLVED OXYGEN, TEMPERATURE, AND CONDUCTIVITY – The daily concentration used to determine compliance with maximum daily pH, temperature, and conductivity limitations is the highest pH, temperature, and conductivity readings obtained within a calendar day. The daily concentration used to determine compliance with minimum daily pH and dissolved oxygen limitations is the lowest pH and dissolved oxygen readings obtained within a calendar day.

Daily loading is the total discharge by weight of a parameter discharged during any calendar day. This value is calculated by multiplying the daily concentration by the total daily flow and by the appropriate conversion factor. The daily loading will be used to determine compliance with any maximum daily loading limitations. When required by the permit, report the maximum calculated daily loading for the month in the “MAXIMUM” column under “QUANTITY OR LOADING” on the DMRs.

Daily monitoring frequency refers to a 24-hour day. When required by this permit, an analytical result, reading, value or observation shall be reported for that period if a discharge occurs during that period.

Department means the Michigan Department of Environment, Great Lakes, and Energy.

Detection level means the lowest concentration or amount of the target analyte that can be determined to be different from zero by a single measurement at a stated level of probability.

Discharge means the addition of any waste, waste effluent, wastewater, pollutant, or any combination thereof to any surface water of the state.

EC₅₀ means a statistically or graphically estimated concentration that is expected to cause 1 or more specified effects in 50% of a group of organisms under specified conditions.

Fecal coliform bacteria monthly

FOR WWSLs THAT COLLECT AND STORE WASTEWATER AND ARE AUTHORIZED TO DISCHARGE ONLY IN THE SPRING AND/OR FALL ON AN INTERMITTENT BASIS – Fecal coliform bacteria monthly is the geometric mean of all daily concentrations determined during a discharge event. Days on which no daily concentration is determined shall not be used to determine the calculated monthly value. The calculated monthly value will be used to determine compliance with the maximum monthly fecal coliform bacteria limitations. When required by the permit, report the calculated monthly value in the “AVERAGE” column under “QUALITY OR CONCENTRATION” on the DMR. If the period in which the discharge event occurred was partially in each of two months, the calculated monthly value shall be reported on the DMR of the month in which the last day of discharge occurred.

FOR ALL OTHER DISCHARGES – Fecal coliform bacteria monthly is the geometric mean of all daily concentrations determined during a reporting month. Days on which no daily concentration is determined shall not be used to determine the calculated monthly value. The calculated monthly value will be used to determine compliance with the maximum monthly fecal coliform bacteria limitations. When required by the permit, report the calculated monthly value in the “AVERAGE” column under “QUALITY OR CONCENTRATION” on the DMR.

PART II

Section A. Definitions

Fecal coliform bacteria 7-day

FOR WWSLs THAT COLLECT AND STORE WASTEWATER AND ARE AUTHORIZED TO DISCHARGE ONLY IN THE SPRING AND/OR FALL ON AN INTERMITTENT BASIS – Fecal coliform bacteria 7-day is the geometric mean of the daily concentrations determined during any 7 consecutive days of discharge during a discharge event. If the number of daily concentrations determined during the discharge event is less than 7 days, the number of actual daily concentrations determined shall be used for the calculation. Days on which no daily concentration is determined shall not be used to determine the value. The calculated 7-day value will be used to determine compliance with the maximum 7-day fecal coliform bacteria limitations. When required by the permit, report the maximum calculated 7-day geometric mean value for the month in the “MAXIMUM” column under “QUALITY OR CONCENTRATION” on the DMRs. If the 7-day period was partially in each of two months, the value shall be reported on the DMR of the month in which the last day of discharge occurred.

FOR ALL OTHER DISCHARGES – Fecal coliform bacteria 7-day is the geometric mean of the daily concentrations determined during any 7 consecutive days in a reporting month. If the number of daily concentrations determined is less than 7, the actual number of daily concentrations determined shall be used for the calculation. Days on which no daily concentration is determined shall not be used to determine the value. The calculated 7-day value will be used to determine compliance with the maximum 7-day fecal coliform bacteria limitations. When required by the permit, report the maximum calculated 7-day geometric mean for the month in the “MAXIMUM” column under “QUALITY OR CONCENTRATION” on the DMRs. The first calculation shall be made on day 7 of the reporting month, and the last calculation shall be made on the last day of the reporting month.

Flow-proportioned composite sample – See definition of **24-hour composite sample**.

General permit means an NPDES permit authorizing a category of similar discharges.

Geometric mean is the average of the logarithmic values of a base 10 data set, converted back to a base 10 number.

Grab sample is a single sample taken at neither a set time nor flow.

IC₂₅ means the toxicant concentration that would cause a 25% reduction in a nonquantal biological measurement for the test population.

Illicit connection means a physical connection to a municipal separate storm sewer system that primarily conveys non-storm water discharges other than uncontaminated groundwater into the storm sewer; or a physical connection not authorized or permitted by the local authority, where a local authority requires authorization or a permit for physical connections.

Illicit discharge means any discharge to, or seepage into, a municipal separate storm sewer system that is not composed entirely of storm water or uncontaminated groundwater. Illicit discharges include non-storm water discharges through pipes or other physical connections; dumping of motor vehicle fluids, household hazardous wastes, domestic animal wastes, or litter; collection and intentional dumping of grass clippings or leaf litter; or unauthorized discharges of sewage, industrial waste, restaurant wastes, or any other non-storm water waste directly into a separate storm sewer.

Individual permit means a site-specific NPDES permit.

Inlet means a catch basin, roof drain, conduit, drain tile, retention pond riser pipe, sump pump, or other point where storm water or wastewater enters into a closed conveyance system prior to discharge off site or into waters of the state.

PART II

Section A. Definitions

Interference is a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: 1) inhibits or disrupts a POTW, its treatment processes or operations, or its sludge processes, use or disposal; and 2) therefore, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or, of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act. [This definition does not apply to sample matrix interference].

Land application means spraying or spreading biosolids or a biosolids derivative onto the land surface, injecting below the land surface, or incorporating into the soil so that the biosolids or biosolids derivative can either condition the soil or fertilize crops or vegetation grown in the soil.

LC₅₀ means a statistically or graphically estimated concentration that is expected to be lethal to 50% of a group of organisms under specified conditions.

Maximum acceptable toxicant concentration (MATC) means the concentration obtained by calculating the geometric mean of the lower and upper chronic limits from a chronic test. A lower chronic limit is the highest tested concentration that did not cause the occurrence of a specific adverse effect. An upper chronic limit is the lowest tested concentration which did cause the occurrence of a specific adverse effect and above which all tested concentrations caused such an occurrence.

Maximum extent practicable means implementation of best management practices by a public body to comply with an approved storm water management program as required by a national permit for a municipal separate storm sewer system, in a manner that is environmentally beneficial, technically feasible, and within the public body's legal authority.

MBTU/hr means million British Thermal Units per hour.

MGD means million gallons per day.

Monthly concentration is the sum of the daily concentrations determined during a reporting period divided by the number of daily concentrations determined. The calculated monthly concentration will be used to determine compliance with any maximum monthly concentration limitations. Days with no discharge shall not be used to determine the value. When required by the permit, report the calculated monthly concentration in the "AVERAGE" column under "QUALITY OR CONCENTRATION" on the DMR.

For minimum percent removal requirements, the monthly influent concentration and the monthly effluent concentration shall be determined. The calculated monthly percent removal, which is equal to 100 times the quantity [1 minus the quantity (monthly effluent concentration divided by the monthly influent concentration)], shall be reported in the "MINIMUM" column under "QUALITY OR CONCENTRATION" on the DMRs.

Monthly loading is the sum of the daily loadings of a parameter divided by the number of daily loadings determined during a reporting period. The calculated monthly loading will be used to determine compliance with any maximum monthly loading limitations. Days with no discharge shall not be used to determine the value. When required by the permit, report the calculated monthly loading in the "AVERAGE" column under "QUANTITY OR LOADING" on the DMR.

Monthly monitoring frequency refers to a calendar month. When required by this permit, an analytical result, reading, value or observation shall be reported for that period if a discharge occurs during that period.

Municipal separate storm sewer means a conveyance or system of conveyances designed or used for collecting or conveying storm water which is not a combined sewer and which is not part of a POTW as defined in the Code of Federal Regulations at 40 CFR 122.2.

PART II

Section A. Definitions

Municipal separate storm sewer system (MS4) means all separate storm sewers that are owned or operated by the United States, a state, city, village, township, county, district, association, or other public body created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law, such as a sewer district, flood control district, or drainage district, or similar entity, or a designated or approved management agency under Section 208 of the Clean Water Act that discharges to the waters of the state. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

National Pretreatment Standards are the regulations promulgated by or to be promulgated by the Federal Environmental Protection Agency pursuant to Section 307(b) and (c) of the Clean Water Act. The standards establish nationwide limits for specific industrial categories for discharge to a POTW.

No observed adverse effect level (NOAEL) means the highest tested dose or concentration of a substance which results in no observed adverse effect in exposed test organisms where higher doses or concentrations result in an adverse effect.

Noncontact cooling water is water used for cooling which does not come into direct contact with any raw material, intermediate product, by-product, waste product or finished product.

Nondomestic user is any discharger to a POTW that discharges wastes other than or in addition to water-carried wastes from toilet, kitchen, laundry, bathing or other facilities used for household purposes.

Nonstructural controls are practices or procedures implemented by employees at a facility to manage storm water or to prevent contamination of storm water.

NPDES means National Pollutant Discharge Elimination System.

Outfall is the location at which a point source discharge first enters a surface water of the state.

Part 91 agency means an agency that is designated by a county board of commissioners pursuant to the provisions of Section 9105 of Part 91 of the NREPA; an agency that is designated by a city, village, or township in accordance with the provisions of Section 9106 of Part 91 of the NREPA; or the Department for soil erosion and sedimentation control activities under Part 615, Supervisor of Wells; Part 631, Reclamation of Mining Lands; or Part 632, Nonferrous Metallic Mineral Mining, of the NREPA, pursuant to the provisions of Section 9115 of Part 91 of the NREPA.

Part 91 permit means a soil erosion and sedimentation control permit issued by a Part 91 agency pursuant to the provisions of Part 91 of the NREPA.

Partially treated sewage is any sewage, sewage and storm water, or sewage and wastewater, from domestic or industrial sources that is treated to a level less than that required by the permittee's NPDES permit, or that is not treated to national secondary treatment standards for wastewater, including discharges to surface waters from retention treatment facilities.

Point of discharge is the location of a point source discharge where storm water is discharged directly into a separate storm sewer system.

Point source discharge means a discharge from any discernible, confined, discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, or rolling stock. Changing the surface of land or establishing grading patterns on land will result in a point source discharge where the runoff from the site is ultimately discharged to waters of the state.

PART II

Section A. Definitions

Polluting material means any material, in solid or liquid form, identified as a polluting material under the Part 5 Rules, Spillage of Oil and Polluting Materials, promulgated under Part 31 of the NREPA (R 324.2001 through R 324.2009 of the Michigan Administrative Code).

POTW is a publicly owned treatment work.

Predevelopment is the last land use prior to the planned new development or redevelopment.

Pretreatment is reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties to a less harmful state prior to discharge into a public sewer. The reduction or alteration can be by physical, chemical, or biological processes, process changes, or by other means. Dilution is not considered pretreatment unless expressly authorized by an applicable National Pretreatment Standard for a particular industrial category.

Public (as used in the MS4 individual permit) means all persons who potentially could affect the authorized storm water discharges, including, but not limited to, residents, visitors to the area, public employees, businesses, industries, and construction contractors and developers.

Public body means the United States; the state of Michigan; a city, village, township, county, school district, public college or university, or single-purpose governmental agency; or any other body which is created by federal or state statute or law.

Qualified Personnel means an individual who meets qualifications acceptable to the Department and who is authorized by an Industrial Storm Water Certified Operator to collect the storm water sample.

Qualifying storm event means a storm event causing greater than 0.1 inch of rainfall and occurring at least 72 hours after the previous measurable storm event that also caused greater than 0.1 inch of rainfall. Upon request, the Department may approve an alternate definition meeting the condition of a qualifying storm event.

Quantification level means the measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calculated at a specified concentration above the detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.

Quarterly monitoring frequency refers to a three month period, defined as January through March, April through June, July through September, and October through December. When required by this permit, an analytical result, reading, value or observation shall be reported for that period if a discharge occurs during that period.

Regional Administrator is the Region 5 Administrator, U.S. EPA, located at R-19J, 77 W. Jackson Blvd., Chicago, Illinois 60604.

Regulated area means the permittee's urbanized area, where urbanized area is defined as a place and its adjacent densely-populated territory that together have a minimum population of 50,000 people as defined by the United States Bureau of the Census and as determined by the latest available decennial census.

Secondary containment structure means a unit, other than the primary container, in which significant materials are packaged or held, which is required by state or federal law to prevent the escape of significant materials by gravity into sewers, drains, or otherwise directly or indirectly into any sewer system or to the surface waters or groundwaters of the state.

Separate storm sewer system means a system of drainage, including, but not limited to, roads, catch basins, curbs, gutters, parking lots, ditches, conduits, pumping devices, or man-made channels, which is not a combined sewer where storm water mixes with sanitary wastes, and is not part of a POTW.

PART II

Section A. Definitions

Significant industrial user is a nondomestic user that: 1) is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or 2) discharges an average of 25,000 gallons per day or more of process wastewater to a POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the permittee as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's treatment plant operation or violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

Significant materials means any material which could degrade or impair water quality, including but not limited to: raw materials; fuels; solvents, detergents, and plastic pellets; finished materials such as metallic products; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (see 40 CFR 372.65); any chemical the facility is required to report pursuant to Section 313 of Emergency Planning and Community Right-to-Know Act (EPCRA); polluting materials as identified under the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code); Hazardous Wastes as defined in Part 111, Hazardous Waste Management, of the NREPA; fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.

Significant spills and significant leaks means any release of a polluting material reportable under the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code).

Special-use area means storm water discharges for which the Department has determined that additional monitoring is needed from: secondary containment structures required by state or federal law; lands on Michigan's List of Sites of Environmental Contamination pursuant to Part 201, Environmental Remediation, of the NREPA; and/or areas with other activities that may contribute pollutants to the storm water.

Stoichiometric means the quantity of a reagent calculated to be necessary and sufficient for a given chemical reaction.

Storm water means storm water runoff, snow melt runoff, surface runoff and drainage, and non-storm water included under the conditions of this permit.

Storm water discharge point is the location where the point source discharge of storm water is directed to surface waters of the state or to a separate storm sewer. It includes the location of all point source discharges where storm water exits the facility, including *outfalls* which discharge directly to surface waters of the state, and *points of discharge* which discharge directly into separate storm sewer systems.

Structural controls are physical features or structures used at a facility to manage or treat storm water.

SWPPP means the Storm Water Pollution Prevention Plan prepared in accordance with this permit.

Tier I value means a value for aquatic life, human health or wildlife calculated under R 323.1057 of the Water Quality Standards using a tier I toxicity database.

Tier II value means a value for aquatic life, human health or wildlife calculated under R 323.1057 of the Water Quality Standards using a tier II toxicity database.

Total maximum daily loads (TMDLs) are required by the Clean Water Act for waterbodies that do not meet water quality standards. TMDLs represent the maximum daily load of a pollutant that a waterbody can assimilate and meet water quality standards, and an allocation of that load among point sources, nonpoint sources, and a margin of safety.

Toxicity reduction evaluation (TRE) means a site-specific study conducted in a stepwise process designed to identify the causative agents of effluent toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in effluent toxicity.

PART II

Section A. Definitions

Water Quality Standards means the Part 4 Water Quality Standards promulgated pursuant to Part 31 of the NREPA, being R 323.1041 through R 323.1117 of the Michigan Administrative Code.

Weekly monitoring frequency refers to a calendar week which begins on Sunday and ends on Saturday. For a calendar week that falls entirely within a single calendar month, then when required by this permit, an analytical result, reading, value, or observation shall be reported for that week if a discharge occurs during that week. For a calendar week split across two (2) calendar months, a separate analytical result, reading, value, or observation shall be reported for each part of that week/month in which a discharge occurs.

WWSL is a wastewater stabilization lagoon.

WWSL discharge event is a discrete occurrence during which effluent is discharged to the surface water up to 10 days of a consecutive 14 day period.

3-portion composite sample is a sample consisting of three equal-volume grab samples collected at equal intervals over an 8-hour period.

7-day concentration

FOR WWSLs THAT COLLECT AND STORE WASTEWATER AND ARE AUTHORIZED TO DISCHARGE ONLY IN THE SPRING AND/OR FALL ON AN INTERMITTENT BASIS – The 7-day concentration is the sum of the daily concentrations determined during any 7 consecutive days of discharge during a WWSL discharge event divided by the number of daily concentrations determined. If the number of daily concentrations determined during the WWSL discharge event is less than 7 days, the number of actual daily concentrations determined shall be used for the calculation. The calculated 7-day concentration will be used to determine compliance with any maximum 7-day concentration limitations. When required by the permit, report the maximum calculated 7-day concentration for the WWSL discharge event in the “MAXIMUM” column under “QUALITY OR CONCENTRATION” on the DMR. If the WWSL discharge event was partially in each of two months, the value shall be reported on the DMR of the month in which the last day of discharge occurred.

FOR ALL OTHER DISCHARGES – The 7-day concentration is the sum of the daily concentrations determined during any 7 consecutive days in a reporting month divided by the number of daily concentrations determined. If the number of daily concentrations determined is less than 7, the actual number of daily concentrations determined shall be used for the calculation. The calculated 7-day concentration will be used to determine compliance with any maximum 7-day concentration limitations in the reporting month. When required by the permit, report the maximum calculated 7-day concentration for the month in the “MAXIMUM” column under “QUALITY OR CONCENTRATION” on the DMR. The first 7-day calculation shall be made on day 7 of the reporting month, and the last calculation shall be made on the last day of the reporting month.

PART II

Section A. Definitions

7-day loading

FOR WWSLs THAT COLLECT AND STORE WASTEWATER AND ARE AUTHORIZED TO DISCHARGE ONLY IN THE SPRING AND/OR FALL ON AN INTERMITTENT BASIS – The 7-day loading is the sum of the daily loadings determined during any 7 consecutive days of discharge during a WWSL discharge event divided by the number of daily loadings determined. If the number of daily loadings determined during the WWSL discharge event is less than 7 days, the number of actual daily loadings determined shall be used for the calculation. The calculated 7-day loading will be used to determine compliance with any maximum 7-day loading limitations. When required by the permit, report the maximum calculated 7-day loading for the WWSL discharge event in the “MAXIMUM” column under “QUANTITY OR LOADING” on the DMR. If the WWSL discharge event was partially in each of two months, the value shall be reported on the DMR of the month in which the last day of discharge occurred.

FOR ALL OTHER DISCHARGES – The 7-day loading is the sum of the daily loadings determined during any 7 consecutive days in a reporting month divided by the number of daily loadings determined. If the number of daily loadings determined is less than 7, the actual number of daily loadings determined shall be used for the calculation. The calculated 7-day loading will be used to determine compliance with any maximum 7-day loading limitations in the reporting month. When required by the permit, report the maximum calculated 7-day loading for the month in the “MAXIMUM” column under “QUANTITY OR LOADING” on the DMR. The first 7-day calculation shall be made on day 7 of the reporting month, and the last calculation shall be made on the last day of the reporting month.

24-hour composite sample is a flow-proportioned composite sample consisting of hourly or more frequent portions that are taken over a 24-hour period and in which the volume of each portion is proportional to the discharge flow rate at the time that portion is taken. A time-proportioned composite sample may be used upon approval from the Department if the permittee demonstrates it is representative of the discharge.

PART II

Section B. Monitoring Procedures

1. Representative Samples

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

2. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations promulgated pursuant to Section 304(h) of the Clean Water Act (40 CFR Part 136 – Guidelines Establishing Test Procedures for the Analysis of Pollutants), unless specified otherwise in this permit. **Test procedures used shall be sufficiently sensitive to determine compliance with applicable effluent limitations.** Requests to use test procedures not promulgated under 40 CFR Part 136 for pollutant monitoring required by this permit shall be made in accordance with the Alternate Test Procedures regulations specified in 40 CFR 136.4. These requests shall be submitted to the Manager of the Permits Section, Water Resources Division, Michigan Department of Environment, Great Lakes, and Energy, P.O. Box 30458, Lansing, Michigan, 48909-7958. The permittee may use such procedures upon approval.

The permittee shall periodically calibrate and perform maintenance procedures on all analytical instrumentation at intervals to ensure accuracy of measurements. The calibration and maintenance shall be performed as part of the permittee's laboratory Quality Assurance/Quality Control program.

3. Instrumentation

The permittee shall periodically calibrate and perform maintenance procedures on all monitoring instrumentation at intervals to ensure accuracy of measurements.

4. Recording Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information: 1) the exact place, date, and time of measurement or sampling; 2) the person(s) who performed the measurement or sample collection; 3) the dates the analyses were performed; 4) the person(s) who performed the analyses; 5) the analytical techniques or methods used; 6) the date of and person responsible for equipment calibration; and 7) the results of all required analyses.

5. Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of three (3) years, or longer if requested by the Regional Administrator or the Department.

PART II

Section C. Reporting Requirements

1. Start-Up Notification

If the permittee will not discharge during the first 60 days following the effective date of this permit, the permittee shall notify the Department within 14 days following the effective date of this permit, and then 60 days prior to the commencement of the discharge.

2. Submittal Requirements for Self-Monitoring Data

Part 31 of the NREPA (specifically Section 324.3110(7)); and R 323.2155(2) of Part 21, Wastewater Discharge Permits, promulgated under Part 31 of the NREPA, allow the Department to specify the forms to be utilized for reporting the required self-monitoring data. Unless instructed on the effluent limitations page to conduct "Retained Self-Monitoring," the permittee shall submit self-monitoring data via the Department's MiWaters system.

The permittee shall utilize the information provided on the MiWaters website, located at <https://miwaters.deq.state.mi.us>, to access and submit the electronic forms. Both monthly summary and daily data shall be submitted to the Department no later than the 20th day of the month following each month of the authorized discharge period(s). The permittee may be allowed to submit the electronic forms after this date if the Department has granted an extension to the submittal date.

3. Retained Self-Monitoring Requirements

If instructed on the effluent limits page (or otherwise authorized by the Department in accordance with the provisions of this permit) to conduct retained self-monitoring, the permittee shall maintain a year-to-date log of retained self-monitoring results and, upon request, provide such log for inspection to the staff of the Department. Retained self-monitoring results are public information and shall be promptly provided to the public upon request.

The permittee shall certify, in writing, to the Department, on or before January 10th (April 1st for animal feeding operation facilities) of each year, that: 1) all retained self-monitoring requirements have been complied with and a year-to-date log has been maintained; and 2) the application on which this permit is based still accurately describes the discharge. With this annual certification, the permittee shall submit a summary of the previous year's monitoring data. The summary shall include maximum values for samples to be reported as daily maximums and/or monthly maximums and minimum values for any daily minimum samples.

Retained self-monitoring may be denied to a permittee by notification in writing from the Department. In such cases, the permittee shall submit self-monitoring data in accordance with Part II.C.2., above. Such a denial may be rescinded by the Department upon written notification to the permittee. Reissuance or modification of this permit or reissuance or modification of an individual permittee's authorization to discharge shall not affect previous approval or denial for retained self-monitoring unless the Department provides notification in writing to the permittee.

4. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report. Such increased frequency shall also be indicated.

Monitoring required pursuant to Part 41 of the NREPA or Rule 35 of the Mobile Home Park Commission Act, 1987 PA 96, as amended, for assurance of proper facility operation, shall be submitted as required by the Department.

PART II

Section C. Reporting Requirements

5. Compliance Dates Notification

Within 14 days of every compliance date specified in this permit, the permittee shall submit a *written* notification to the Department indicating whether or not the particular requirement was accomplished. If the requirement was not accomplished, the notification shall include an explanation of the failure to accomplish the requirement, actions taken or planned by the permittee to correct the situation, and an estimate of when the requirement will be accomplished. If a written report is required to be submitted by a specified date and the permittee accomplishes this, a separate written notification is not required.

6. Noncompliance Notification

Compliance with all applicable requirements set forth in the Clean Water Act, Parts 31 and 41 of the NREPA, and related regulations and rules is required. All instances of noncompliance shall be reported as follows:

- a. 24-Hour Reporting
Any noncompliance which may endanger health or the environment (including maximum and/or minimum daily concentration discharge limitation exceedances) shall be reported, verbally, within 24 hours from the time the permittee becomes aware of the noncompliance. A written submission shall also be provided within five (5) days.
- b. Other Reporting
The permittee shall report, in writing, all other instances of noncompliance not described in a. above at the time monitoring reports are submitted; or, in the case of retained self-monitoring, within five (5) days from the time the permittee becomes aware of the noncompliance.

Written reporting shall include: 1) a description of the discharge and cause of noncompliance; and 2) the period of noncompliance, including exact dates and times, or, if not yet corrected, the anticipated time the noncompliance is expected to continue, and the steps taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

7. Spill Notification

The permittee shall immediately report any release of any polluting material which occurs to the surface waters or groundwaters of the state, unless the permittee has determined that the release is not in excess of the threshold reporting quantities specified in the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code), by calling the Department at the number indicated on the second page of this permit (or, if this is a general permit, on the COC); or, if the notice is provided after regular working hours, call the Department's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706 (calls from **out-of-state** call 1-517-373-7660).

Within ten (10) days of the release, the permittee shall submit to the Department a full written explanation as to the cause of the release, the discovery of the release, response (clean-up and/or recovery) measures taken, and preventive measures taken or a schedule for completion of measures to be taken to prevent reoccurrence of similar releases.

PART II**Section C. Reporting Requirements****8. Upset Noncompliance Notification**

If a process "upset" (defined as an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee) has occurred, the permittee who wishes to establish the affirmative defense of upset shall notify the Department by telephone within 24 hours of becoming aware of such conditions; and within five (5) days, provide in writing, the following information:

- a. that an upset occurred and that the permittee can identify the specific cause(s) of the upset;
- b. that the permitted wastewater treatment facility was, at the time, being properly operated and maintained (note that an upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation); and
- c. that the permittee has specified and taken action on all responsible steps to minimize or correct any adverse impact in the environment resulting from noncompliance with this permit.

No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

In any enforcement proceedings, the permittee, seeking to establish the occurrence of an upset, has the burden of proof.

9. Bypass Prohibition and Notification

- a. Bypass Prohibition
Bypass is prohibited, and the Department may take an enforcement action, unless:
 - 1) bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - 2) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass; and
 - 3) the permittee submitted notices as required under 9.b. or 9.c. below.
- b. Notice of Anticipated Bypass
If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least ten (10) days before the date of the bypass, and provide information about the anticipated bypass as required by the Department. The Department may approve an anticipated bypass, after considering its adverse effects, if it will meet the three (3) conditions listed in 9.a. above.
- c. Notice of Unanticipated Bypass
The permittee shall submit notice to the Department of an unanticipated bypass by calling the Department at the number indicated on the second page of this permit (if the notice is provided after regular working hours, call: 1-800-292-4706) as soon as possible, but no later than 24 hours from the time the permittee becomes aware of the circumstances.

PART II

Section C. Reporting Requirements

d. Written Report of Bypass

A written submission shall be provided within five (5) working days of commencing any bypass to the Department, and at additional times as directed by the Department. The written submission shall contain a description of the bypass and its cause; the period of bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass; and other information as required by the Department.

e. Bypass Not Exceeding Limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of 9.a., 9.b., 9.c., and 9.d., above. This provision does not relieve the permittee of any notification responsibilities under Part II.C.11. of this permit.

f. Definitions

- 1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- 2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

10. Bioaccumulative Chemicals of Concern (BCC)

Consistent with the requirements of R 323.1098 and R 323.1215 of the Michigan Administrative Code, the permittee is prohibited from undertaking any action that would result in a lowering of water quality from an increased loading of a BCC unless an increased use request and antidegradation demonstration have been submitted and approved by the Department.

11. Notification of Changes in Discharge

The permittee shall notify the Department, in writing, as soon as possible but no later than 10 days of knowing, or having reason to believe, that any activity or change has occurred or will occur which would result in the discharge of: 1) detectable levels of chemicals on the current Michigan Critical Materials Register, priority pollutants or hazardous substances set forth in 40 CFR 122.21, Appendix D, or the Pollutants of Initial Focus in the Great Lakes Water Quality Initiative specified in 40 CFR 132.6, Table 6, which were not acknowledged in the application or listed in the application at less than detectable levels; 2) detectable levels of any other chemical not listed in the application or listed at less than detection, for which the application specifically requested information; or 3) any chemical at levels greater than five times the average level reported in the complete application (see the first page of this permit, for the date(s) the complete application was submitted). Any other monitoring results obtained as a requirement of this permit shall be reported in accordance with the compliance schedules.

PART II

Section C. Reporting Requirements

12. Changes in Facility Operations

Any anticipated action or activity, including but not limited to facility expansion, production increases, or process modification, which will result in new or increased loadings of pollutants to the receiving waters must be reported to the Department by a) submission of an increased use request (application) and all information required under R 323.1098 (Antidegradation) of the Water Quality Standards or b) by notice if the following conditions are met: 1) the action or activity will not result in a change in the types of wastewater discharged or result in a greater quantity of wastewater than currently authorized by this permit; 2) the action or activity will not result in violations of the effluent limitations specified in this permit; 3) the action or activity is not prohibited by the requirements of Part II.C.10.; and 4) the action or activity will not require notification pursuant to Part II.C.11. Following such notice, the permit or, if applicable, the facility's COC may be modified according to applicable laws and rules to specify and limit any pollutant not previously limited.

13. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the permittee shall submit to the Department 30 days prior to the actual transfer of ownership or control a written agreement between the current permittee and the new permittee containing: 1) the legal name and address of the new owner; 2) a specific date for the effective transfer of permit responsibility, coverage and liability; and 3) a certification of the continuity of or any changes in operations, wastewater discharge, or wastewater treatment.

If the new permittee is proposing changes in operations, wastewater discharge, or wastewater treatment, the Department may propose modification of this permit in accordance with applicable laws and rules.

14. Operations and Maintenance Manual

For wastewater treatment facilities that serve the public (and are thus subject to Part 41 of the NREPA), Section 4104 of Part 41 and associated Rule 2957 of the Michigan Administrative Code allow the Department to require an Operations and Maintenance (O&M) Manual from the facility. An up-to-date copy of the O&M Manual shall be kept at the facility and shall be provided to the Department upon request. The Department may review the O&M Manual in whole or in part at its discretion and require modifications to it if portions are determined to be inadequate.

At a minimum, the O&M Manual shall include the following information: permit standards; descriptions and operation information for all equipment; staffing information; laboratory requirements; record keeping requirements; a maintenance plan for equipment; an emergency operating plan; safety program information; and copies of all pertinent forms, as-built plans, and manufacturer's manuals.

Certification of the existence and accuracy of the O&M Manual shall be submitted to the Department at least sixty days prior to start-up of a new wastewater treatment facility. Recertification shall be submitted sixty days prior to start-up of any substantial improvements or modifications made to an existing wastewater treatment facility.

PART II

Section C. Reporting Requirements

15. Signatory Requirements

All applications, reports, or information submitted to the Department in accordance with the conditions of this permit and that require a signature shall be signed and certified as described in the Clean Water Act and the NREPA.

The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

The NREPA (Section 3115(2)) provides that a person who at the time of the violation knew or should have known that he or she discharged a substance contrary to this part, or contrary to a permit, COC, or order issued or rule promulgated under this part, or who intentionally makes a false statement, representation, or certification in an application for or form pertaining to a permit or COC or in a notice or report required by the terms and conditions of an issued permit or COC, or who intentionally renders inaccurate a monitoring device or record required to be maintained by the Department, is guilty of a felony and shall be fined not less than \$2,500.00 or more than \$25,000.00 for each violation. The court may impose an additional fine of not more than \$25,000.00 for each day during which the unlawful discharge occurred. If the conviction is for a violation committed after a first conviction of the person under this subsection, the court shall impose a fine of not less than \$25,000.00 per day and not more than \$50,000.00 per day of violation. Upon conviction, in addition to a fine, the court in its discretion may sentence the defendant to imprisonment for not more than 2 years or impose probation upon a person for a violation of this part. With the exception of the issuance of criminal complaints, issuance of warrants, and the holding of an arraignment, the circuit court for the county in which the violation occurred has exclusive jurisdiction. However, the person shall not be subject to the penalties of this subsection if the discharge of the effluent is in conformance with and obedient to a rule, order, permit, or COC of the Department. In addition to a fine, the attorney general may file a civil suit in a court of competent jurisdiction to recover the full value of the injuries done to the natural resources of the state and the costs of surveillance and enforcement by the state resulting from the violation.

16. Electronic Reporting

Upon notice by the Department that electronic reporting tools are available for specific reports or notifications, the permittee shall submit electronically all such reports or notifications as required by this permit, on forms provided by the Department.

PART II

Section D. Management Responsibilities

1. Duty to Comply

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit, more frequently than, or at a level in excess of, that authorized, shall constitute a violation of the permit.

It is the duty of the permittee to comply with all the terms and conditions of this permit. Any noncompliance with the Effluent Limitations, Special Conditions, or terms of this permit constitutes a violation of the NREPA and/or the Clean Water Act and constitutes grounds for enforcement action; for permit or Certificate of Coverage (COC) termination, revocation and reissuance, or modification; or denial of an application for permit or COC renewal.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2. Operator Certification

The permittee shall have the waste treatment facilities under direct supervision of an operator certified at the appropriate level for the facility certification by the Department, as required by Sections 3110 and 4104 of the NREPA. Permittees authorized to discharge storm water shall have the storm water treatment and/or control measures under direct supervision of a storm water operator certified by the Department, as required by Section 3110 of the NREPA.

3. Facilities Operation

The permittee shall, at all times, properly operate and maintain all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures.

4. Power Failures

In order to maintain compliance with the effluent limitations of this permit and prevent unauthorized discharges, the permittee shall either:

- a. provide an alternative power source sufficient to operate facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit; or
- b. upon the reduction, loss, or failure of one or more of the primary sources of power to facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit, the permittee shall halt, reduce or otherwise control production and/or all discharge in order to maintain compliance with the effluent limitations and conditions of this permit.

5. Adverse Impact

The permittee shall take all reasonable steps to minimize or prevent any adverse impact to the surface waters or groundwaters of the state resulting from noncompliance with any effluent limitation specified in this permit including, but not limited to, such accelerated or additional monitoring as necessary to determine the nature and impact of the discharge in noncompliance.

PART II

Section D. Management Responsibilities

6. Containment Facilities

The permittee shall provide facilities for containment of any accidental losses of polluting materials in accordance with the requirements of the Part 5 Rules (R 324.2001 through R 324.2009 of the Michigan Administrative Code). For a POTW, these facilities shall be approved under Part 41 of the NREPA.

7. Waste Treatment Residues

Residuals (i.e. solids, sludges, biosolids, filter backwash, scrubber water, ash, grit, or other pollutants or wastes) removed from or resulting from treatment or control of wastewaters, including those that are generated during treatment or left over after treatment or control has ceased, shall be disposed of in an environmentally compatible manner and according to applicable laws and rules. These laws may include, but are not limited to, the NREPA, Part 31 for protection of water resources, Part 55 for air pollution control, Part 111 for hazardous waste management, Part 115 for solid waste management, Part 121 for liquid industrial wastes, Part 301 for protection of inland lakes and streams, and Part 303 for wetlands protection. Such disposal shall not result in any unlawful pollution of the air, surface waters or groundwaters of the state.

8. Right of Entry

The permittee shall allow the Department, any agent appointed by the Department, or the Regional Administrator, upon the presentation of credentials and, for animal feeding operation facilities, following appropriate biosecurity protocols:

- a. to enter upon the permittee's premises where an effluent source is located or any place in which records are required to be kept under the terms and conditions of this permit; and
- b. at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect process facilities, treatment works, monitoring methods and equipment regulated or required under this permit; and to sample any discharge of pollutants.

9. Availability of Reports

Except for data determined to be confidential under Section 308 of the Clean Water Act and Rule 2128 (R 323.2128 of the Michigan Administrative Code), all reports prepared in accordance with the terms of this permit, shall be available for public inspection at the offices of the Department and the Regional Administrator. As required by the Clean Water Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Clean Water Act and Sections 3112, 3115, 4106 and 4110 of the NREPA.

10. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or the facility's COC, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

PART II**Section E. Activities Not Authorized by This Permit****1. Discharge to the Groundwaters**

This permit does not authorize any discharge to the groundwaters. Such discharge may be authorized by a groundwater discharge permit issued pursuant to the NREPA.

2. POTW Construction

This permit does not authorize or approve the construction or modification of any physical structures or facilities at a POTW. Approval for the construction or modification of any physical structures or facilities at a POTW shall be by permit issued under Part 41 of the NREPA.

3. Civil and Criminal Liability

Except as provided in permit conditions on "Bypass" (Part II.C.9. pursuant to 40 CFR 122.41(m)), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond the permittee's control, such as accidents, equipment breakdowns, or labor disputes.

4. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee may be subject under Section 311 of the Clean Water Act except as are exempted by federal regulations.

5. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

6. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize violation of any federal, state or local laws or regulations, nor does it obviate the necessity of obtaining such permits, including any other Department of Environment, Great Lakes, and Energy permits, or approvals from other units of government as may be required by law.



To: Honorable President George; Village Council Members

From: Kristin Rutkowski, Village Clerk/Assistant Village Manager

Subject: Lions Club Candy Cane Collection

Date: October 24, 2022

Village Administration received a request from the Beverly Hills Lions Club regarding their annual Candy Cane Collection to be held November 22 – December 24, 2022. Please see the attached letter.

Recommended Resolution:

Be it resolved, the Beverly Hills Village Council approves the request from the Beverly Hills Lions Club to solicit donations for their annual Candy Cane Collection from November 22 to December 24, 2022 and the following notice will be placed on the display sign outside of the Village Offices, provided there is no conflict: "Support Lions Candy Cane Collection November 22 to December 24."

Attachment



October 14, 2022

Dear Council Members:

The season for giving is again upon us and the period from November 22, 2022 to December 24, 2022 has been designated "Candy Cane Collection" for the Beverly Hills Lions Club. Your local Lions are once again requesting your approval to conduct a fund solicitation drive in Beverly Hills during this period. We will be soliciting primarily at the Corners Shopping Center and Market Fresh.

We also respectfully request that the following notice be placed by your organization on the display sign outside of the Village Offices, provided there is no conflict.

**Support Lions Candy Cane Collection
November 22 to December 24**

The funds raised during this drive will be used primarily to support activities and organizations related to sight and hearing-impaired individuals. The Leader Dog School for the Blind, in Rochester, Michigan, is our primary beneficiary. The Lions Club of Beverly Hills gladly supports many activities within the Village as well such as the Halloween Hoot, the Memorial Day Fun Run and the High School Senior Scholarship Award.

Respectfully yours,

Dennis D. Alberts, Event Co-Chair
Beverly Hills Lions Club Candy Cane Collection
4055 Country Club Drive
Bloomfield Hills, MI 48301
248-203-9860



TO: DIR Richard Torongeau

CC: D/D Lee Davis

FROM: LT Robert Ginther *[Signature]*

DATE: October 12, 2022

RE: Fit Test Machine Grant Award Purchase (Grant #EMW-2021-FG-10019)

BACKGROUND:

The Beverly Hills Public Safety Department applied for and received a grant under the Federal Emergency Management Agency (FEMA) Assistance to Firefighter Grant (AFG) program for the Federal Fiscal Year (FY) 2021 period. This grant application was to purchase a Fit Test machine to ensure that our Public Safety Officers are compliant with NFPA 1500, MI-OSHA Part 74, and OSHA 29CFR1910.134 regulations; as well as being protected from cancer-causing carcinogens that they could be exposed to if they had improperly fitted Self-Contained Breathing Apparatus (SCBA) masks.

On August 19, 2022, we were notified that our grant application had been awarded for up to \$17,555.23 of federal funding, which is the amount less the 5% required Local Match Amount. The Beverly Hills Village Council resolved to accept the grant at their September 6, 2022, session and move forward with the purchase of this necessary equipment.

FIT TEST MACHINE CRITERIA:

The criteria for the Fit Test machine approved in this grant award requires that the machine be:

- Compliant with NFPA 1500 – Standard on Fire Department Occupational Safety, Health, and Wellness Program
- Compliant with MI-OSHA – General Industry Safety and Health Standard Part 74. Firefighting
- Compliant with OSHA – 29CFR1910.134 Respiratory Protection
- Compatible with the MSA G1 SCBA system utilized by Beverly Hills Public Safety and partnering public safety agencies

PURCHASE OUTLINE:

Competitive bids were requested, and three bids were received that met the criteria for the Fit Test machine. They were:

- Occupational Health Dynamics - \$15,567.00
- AFC International - \$17,595.00
- TSI Incorporated - \$21,570.00

Through this competitive bid process, the QuantiFit2 Fit Test machine by Occupational Health Dynamics was identified as the successful bidder.

RECOMMENDATION:

Based upon the information in the Background, Fit Test Machine Criteria, and Purchase Outline sections of this memo, I am recommending the purchase of the OHD QuantiFit2 Fit Test machine and ancillary equipment be approved for the total amount of \$15,567.00 through Occupational Health Dynamics, 2687 John Hawkins Parkway, Hoover, AL, 35244 by council at this time.

ATTACHMENTS:

- (1) Proposed Resolution
- (1) FEMA GO E-Mail Notification
- (1) Award Notification
- (1) Project Funding Allocations and Budget
- (1) Occupational Health Dynamics Bid
- (4) OHD Quantifit2 Brochure
- (2) OHD Quantifit2 Calibration and Maintenance Brochure
- (1) AFC International Bid
- (1) TSI Incorporated Bid

PROPOSED RESOLUTION

A Resolution of the Council of the Village of Beverly Hills

Fit Test Machine Grant Award Purchase through the Assistance to Firefighters Grant Program Grant Application # EMW-2021-FG-10019 October 18, 2022

BE IT RESOLVED that based upon village procurement policies and AFG requirements, which have identified a successful competitive bid that meets the required criteria for the purchase of a Fit Test machine, that the purchase of a OHD QuantiFit2 Fit Test machine and ancillary equipment be approved for the total amount of **\$15,567.00** through **Occupational Health Dynamics, 2687 John Hawkins Parkway, Hoover, AL, 35244**, and;

BE IT FINALLY RESOLVED that the Village of Beverly Hills pay for its' Local Match Amount of **\$774.60** and Total Local Non-Grant Funded Shipping Costs of **\$75.00**, which totals **\$849.60**, utilizing available funds in account number 205-900-980.00.

Robert Ginther

From: FEMA GO <no-reply@fema.dhs.gov>
Sent: Friday, August 19, 2022 7:04 AM
To: rginther@beverlyhillspolice.com
Cc: rtorongeau@beverlyhillspolice.com; hshock@beverlyhillspolice.com; rginther@beverlyhillspolice.com
Subject: Award Notification (Application Number: EMW-2021-FG-10019)

Dear Robert,

Congratulations! Your grant application submitted under the Grant Programs Directorate's Fiscal Year (FY) 2021 Assistance to Firefighters Grants has been approved for award.

Please use the FEMA GO system at <https://go.fema.gov> to accept or decline your award. Please note that you will have thirty (30) days from the date of this award notification to either accept or decline the award, and that the award must be accepted or declined by an Authorized Organization Representative (AOR) within the FEMA GO system. Instructions for registering within the system and becoming an AOR are available at <https://www.fema.gov/gmm-training-resources>.

Once you are in the system and made an AOR for your organization, your home page will be the first screen you see. You will see a section entitled My Grants. In this section, please select the award acceptance link for EMW-2021-FG-10019 under Fiscal Year (FY) 2021 Assistance to Firefighters Grants. View your award package and indicate your acceptance or declination of award. If you wish to accept your grant, you should do so immediately. When you have finished, we recommend printing your award package for your records.

If you have questions on using the FEMA GO system, please reach out to the FEMA GO Help Desk (1-877-585-3242). For programmatic questions about your grant, please reach out to the AFG Helpdesk (firegrants@fema.dhs.gov / 1-866-274-0960).

All recipients are required to comply with FEMA EHP Policy Guidance. This EHP Policy Guidance can be found in [FEMA Policy \(FP\) 108-023-1, Environmental Planning and Historic Preservation Policy Guidance](#).

Sincerely,

Grants Management Branch

Assistance to Firefighters Grants

Department of Homeland Security / FEMA

Award Letter

U.S. Department of Homeland Security
Washington, D.C. 20472

Effective date: 08/10/2022



Robert Ginther
BEVERLY HILLS, VILLAGE OF
18500 WEST 13 MILE ROAD
BEVERLY HILLS, MI 48025

EMW-2021-FG-10019

Dear Robert Ginther,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year (FY) 2021 Assistance to Firefighters Grant (AFG) Grant funding opportunity has been approved in the amount of \$17,555.23 in Federal funding. As a condition of this grant, you are required to contribute non-Federal funds equal to or greater than 5.00% of the Federal funds awarded, or \$877.77 for a total approved budget of \$18,433.00. Please see the FY 2021 AFG Notice of Funding Opportunity for information on how to meet this cost share requirement.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- 2021 AFG Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Logan", with a stylized flourish at the end.

Christopher Logan
Acting Assistant Administrator
Grant Programs Directorate

Summary Award Memo

Program: Fiscal Year 2021 Assistance to Firefighters Grant

Recipient: BEVERLY HILLS, VILLAGE OF

UEI-EFT: PVLDPD7ZJZ8F5

DUNS number: 082772856

Award number: EMW-2021-FG-10019

Summary description of award

The purpose of the Assistance to Firefighters Grant program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards. After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Assistance to Firefighters Grant Program's purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for Fiscal Year (FY) 2021 Assistance to Firefighters Grants funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

Amount awarded table

The amount of the award is detailed in the attached Obligating Document for Award.

The following are the budgeted estimates for object classes for this award (including Federal share plus your cost share, if applicable):

Object Class	Total
Personnel	\$0.00
Fringe benefits	\$0.00
Travel	\$0.00
Equipment	\$13,613.00
Supplies	\$0.00
Contractual	\$4,820.00
Construction	\$0.00
Other	\$0.00
Indirect charges	\$0.00
Federal	\$17,555.23
Non-federal	\$877.77
Total	\$18,433.00
Program Income	\$0.00

Approved scope of work

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA's prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the FY2021 AFG NOFO.

Approved request details:

Equipment

FIT Tester

DESCRIPTION

Fit Test Machine Maintenance and Extended Warranty/Inspection 5 years

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	1	\$4,820.00	\$4,820.00	Contractual

CHANGE FROM APPLICATION

Item created

JUSTIFICATION

The award reflects a change from the amount requested in the application. Items were originally grouped together in one-line item. Each item requested is now listed as a separate line item.

FIT Tester

DESCRIPTION

Fit Test Sampling Probe/Adapter

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	1	\$1,613.00	\$1,613.00	Equipment

CHANGE FROM APPLICATION

Item created

JUSTIFICATION

The award reflects a change from the amount requested in the application. Items were originally grouped together in one-line item. Each item requested is now listed as a separate line item.

FIT Tester

DESCRIPTION

Fit Testing Machine

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	1	\$12,000.00	\$12,000.00	Equipment

CHANGE FROM APPLICATION

Price from **\$20,998.00** to **\$12,000.00**

JUSTIFICATION

This reduction is because the cost you requested for Fit Test Machine exceeds the average price range calculated from market research and prior awards for the same item.

Agreement Articles

Program: Fiscal Year 2021 Assistance to Firefighters Grant

Recipient: BEVERLY HILLS, VILLAGE OF

UEI-EFT: PVLPD7ZJZ8F5

DUNS number: 082772856

Award number: EMW-2021-FG-10019

Table of contents

Article 1	Assurances, Administrative Requirements, Cost Principles, Representations and Certifications
Article 2	General Acknowledgements and Assurances
Article 3	Acknowledgement of Federal Funding from DHS
Article 4	Activities Conducted Abroad
Article 5	Age Discrimination Act of 1975
Article 6	Americans with Disabilities Act of 1990
Article 7	Best Practices for Collection and Use of Personally Identifiable Information
Article 8	Civil Rights Act of 1964 – Title VI
Article 9	Civil Rights Act of 1968
Article 10	Copyright
Article 11	Debarment and Suspension
Article 12	Drug-Free Workplace Regulations
Article 13	Duplication of Benefits
Article 14	Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX
Article 15	Energy Policy and Conservation Act
Article 16	False Claims Act and Program Fraud Civil Remedies
Article 17	Federal Debt Status
Article 18	Federal Leadership on Reducing Text Messaging while Driving
Article 19	Fly America Act of 1974
Article 20	Hotel and Motel Fire Safety Act of 1990
Article 21	John S. McCain National Defense Authorization Act of Fiscal Year 2019
Article 22	Limited English Proficiency (Civil Rights Act of 1964, Title VI)
Article 23	Lobbying Prohibitions
Article 24	National Environmental Policy Act
Article 25	Nondiscrimination in Matters Pertaining to Faith-Based Organizations

Article	Non-Supplanting Requirement	26
Article	Notice of Funding Opportunity Requirements	27
Article	Patents and Intellectual Property Rights	28
Article	Procurement of Recovered Materials	29
Article	Rehabilitation Act of 1973	30
Article	Reporting of Matters Related to Recipient Integrity and Performance	31
Article	Reporting Subawards and Executive Compensation	32
Article	Required Use of American Iron, Steel, Manufactured Products, and Construction Materials	33
Article	SAFECOM	34
Article	Terrorist Financing	35
Article	Trafficking Victims Protection Act of 2000 (TVPA)	36
Article	Universal Identifier and System of Award Management	37
Article	USA PATRIOT Act of 2001	38
Article	Use of DHS Seal, Logo and Flags	39
Article	Whistleblower Protection Act	40
Article	Acceptance of Post Award Changes	41
Article	Prior Approval for Modification of Approved Budget	42
Article	Disposition of Equipment Acquired Under the Federal Award	43
Article	Environmental Planning and Historic Preservation (EHP) Review	44
Article	Indirect Cost Rate	45
Article	Applicability of DHS Standard Terms and Conditions to Tribes	46
Article	Award Performance Goals	47

Article 1**Assurances, Administrative Requirements, Cost Principles, Representations and Certifications**

I. DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the awarding agency. II. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200 and adopted by DHS at 2 C.F.R. Part 3002. III. By accepting this agreement, recipients, and their executives, as defined in 2 C.F.R. § 170.315, certify that their policies are in accordance with OMB's guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

Article 2**General Acknowledgements and Assurances**

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. I. Recipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS. II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities or personnel. III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance. V. Recipients (as defined in 2 C.F.R. Part 200 and including recipients acting as pass-through entities) of federal financial assistance from DHS or one of its awarding component agencies must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award for the first award under which this term applies. Recipients of multiple awards of DHS financial assistance should only submit one completed tool for their organization, not per award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

Article 3**Acknowledgement of Federal Funding from DHS**

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

Article 4**Activities Conducted Abroad**

Recipients must ensure that project activities performed outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

Article 5	Age Discrimination Act of 1975 Recipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
Article 6	Americans with Disabilities Act of 1990 Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101– 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.
Article 7	Best Practices for Collection and Use of Personally Identifiable Information Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.
Article 8	Civil Rights Act of 1964 – Title VI Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.
Article 9	Civil Rights Act of 1968 Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. § 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

Article 10	Copyright Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.
Article 11	Debarment and Suspension Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3002. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.
Article 12	Drug-Free Workplace Regulations Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).
Article 13	Duplication of Benefits Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.
Article 14	Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

Article 15	Energy Policy and Conservation Act Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.
Article 16	False Claims Act and Program Fraud Civil Remedies Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801- 3812, which details the administrative remedies for false claims and statements made.)
Article 17	Federal Debt Status All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)
Article 18	Federal Leadership on Reducing Text Messaging while Driving Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the Federal Government.
Article 19	Fly America Act of 1974 Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C.) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.
Article 20	Hotel and Motel Fire Safety Act of 1990 Recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a

Article 21	<p>John S. McCain National Defense Authorization Act of Fiscal Year 2019</p> <p>Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons</p>
Article 22	<p>Limited English Proficiency (Civil Rights Act of 1964, Title VI)</p> <p>Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited and additional resources on http://www.lep.gov.</p>
Article 23	<p>Lobbying Prohibitions</p> <p>Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.</p>
Article 24	<p>National Environmental Policy Act</p> <p>Recipients must comply with the requirements of the National Environmental Policy Act of 1969, (NEPA) Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq. and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans</p>

Article 25	Nondiscrimination in Matters Pertaining to Faith-Based Organizations It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.
Article 26	Non-Supplanting Requirement Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.
Article 27	Notice of Funding Opportunity Requirements All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.
Article 28	Patents and Intellectual Property Rights Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.
Article 29	Procurement of Recovered Materials States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

Article 30	<p>Rehabilitation Act of 1973</p> <p>Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973), (codified as amended at 29 U.S.C. § 794,) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.</p>
Article 31	<p>Reporting of Matters Related to Recipient Integrity and Performance</p> <p>General Reporting Requirements: If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.</p>
Article 32	<p>Reporting Subawards and Executive Compensation</p> <p>Reporting of first tier subawards. Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.</p>
Article 33	<p>Required Use of American Iron, Steel, Manufactured Products, and Construction Materials</p> <p>Recipients and subrecipients must comply with the Build America, Buy America Act (BABAA), which was enacted as part of the Infrastructure Investment and Jobs Act §§ 70901-70927, Pub. L. No. 117-58 (2021); and Executive Order 14005, Ensuring the Future is Made in All of America by All of America's Workers. See also Office of Management and Budget (OMB), Memorandum M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure. Recipients and subrecipients of federal financial assistance programs for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless: (1) all iron and steel used in the project are produced in the United States-- this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; (2) all manufactured products used in the project are produced in the United States —this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable</p>

law or regulation; and (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project. When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. (a) When the federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that: (1) applying the domestic content procurement preference would be inconsistent with the public interest; (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent. A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the OMB Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described. For awards by the Federal Emergency Management Agency (FEMA), existing waivers are available and the waiver process is described at 'Buy America' Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov. For awards by other DHS components, please contact the applicable DHS FAO. To see whether a particular DHS federal financial assistance program is considered an infrastructure program and thus required to include a Buy America preference, please either contact the applicable DHS FAO, or for FEMA awards, please see Programs and Definitions: Build America, Buy America Act | FEMA.gov.

Article 34

SAFECOM

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article 35	Terrorist Financing Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.
Article 36	Trafficking Victims Protection Act of 2000 (TVPA) Trafficking in Persons. Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106 (g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.
Article 37	Universal Identifier and System of Award Management Requirements for System for Award Management and Unique Entity Identifier Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.
Article 38	USA PATRIOT Act of 2001 Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.
Article 39	Use of DHS Seal, Logo and Flags Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.
Article 40	Whistleblower Protection Act Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

Article 41**Acceptance of Post Award Changes**

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to ASK-GMD@fema.dhs.gov if you have any questions.

Article 42**Prior Approval for Modification of Approved Budget**

Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. section 200.308. For purposes of non-construction projects, FEMA is utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. For purposes of awards that support both construction and non-construction work, FEMA is utilizing its discretion under 2 C.F.R. section 200.308(h)(5) to require the recipient to obtain prior written approval from FEMA before making any fund or budget transfers between the two types of work. You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

Article 43**Disposition of Equipment Acquired Under the Federal Award**

For purposes of original or replacement equipment acquired under this award by a non-state recipient or non-state subrecipients, when that equipment is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313. State recipients and state subrecipients must follow the disposition requirements in accordance with state laws and procedures.

Article 44**Environmental Planning and Historic Preservation (EHP) Review**

DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP review process, as mandated by: the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws and executive orders. To access the FEMA EHP screening form and instructions, go to the DHS/FEMA website. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

Article 45**Indirect Cost Rate**

2 C.F.R. section 200.210(a)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file.

Article 46**Applicability of DHS Standard Terms and Conditions to Tribes**

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to subrecipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

Article 47**Award Performance Goals**

FEMA will measure the recipient's performance of the grant by comparing the number of items requested in its application, the numbers acquired (ordered, paid, and received) within the period of performance. In order to measure performance, FEMA may request information throughout the period of performance. In its final performance report submitted at closeout, the recipient is required to report on the recipients compliance with the applicable industry, local, state and national standards described in the NOFO.

Obligating document

1. Agreement No. EMW-2021-FG-10019	2. Amendment No. N/A	3. Recipient No. 386032091	4. Type of Action AWARD	5. Control No. WX00671N2022T		
6. Recipient Name and Address BEVERLY HILLS, VILLAGE OF 18500 W 13 MILE RD FRANKLIN, MI 48025		7. Issuing FEMA Office and Address Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646		8. Payment Office and Address FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742		
9. Name of Recipient Project Officer Robert Ginther		9a. Phone No. 2487210758	10. Name of FEMA Project Coordinator Assistance to Firefighters Grant Program		10a. Phone No. 1-866-274-0960	
11. Effective Date of This Action 08/10/2022	12. Method of Payment OTHER - FEMA GO	13. Assistance Arrangement COST SHARING		14. Performance Period 08/17/2022 to 08/16/2024 Budget Period 08/17/2022 to 08/16/2024		
15. Description of Action a. (Indicate funding data for awards or financial changes)						
Program Name Abbreviation	Assistance Listings No.	Accounting Data(ACCS Code)	Prior Total Award	Amount Awarded This Action + or (-)	Current Total Award	Cumulative Non-Federal Commitment
AFG	97.044	2022-F1-GB01 - P410-xxxx-4101-D	\$0.00	\$17,555.23	\$17,555.23	\$877.77
Totals			\$0.00	\$17,555.23	\$17,555.23	\$877.77
b. To describe changes other than funding data or financial changes, attach schedule and check here: N/A						
16. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address) This field is not applicable for digitally signed grant agreements						

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)	DATE
18. FEMA SIGNATORY OFFICIAL (Name and Title)	DATE
Christopher Logan, Acting Assistant Administrator Grant Programs Directorate	08/10/2022

Fit Test Machine Purchase
through the Assistance to Firefighters Grant Program
Grant Application # EMW-2021-FG-10019

BEVERLY HILLS - FEMA FIT TEST MACHINE GRANT EMW-2021-FG-10019 BUDGET	COST	QTY	TOTAL
5-Year QuantiFit2 Gold Service Contract	\$4,707.00	1	\$4,707.00
Kit 1 40 MM DIN Single Screw In G1 Facepiece 40 MM Adapter Assy	\$540.00	1	\$540.00
QuantiFit2 Respirator Fit Testing System with Bluetooth QuantiFit2 Battery	\$10,245.00	1	\$10,245.00
		TOTAL COST	\$15,492.00
		FEDERAL FUNDING	\$14,717.40
		LOCAL MATCH AMOUNT	\$774.60
		SHIPPING	75.00
		TOTAL LOCAL AMOUNT	849.60



YOUR PROTECTION OUR PRIORITY

Quote for Beverly Hills Public Safety Department

Robert Ginther

Date: 10/12/2022

Quote Number: QUO-12579-P6L0D6

Quote valid until 11/11/2022

Item	Description	Unit Price	Qty.	Amount
Fit Test Machine Maintenance and Extended Warranty/Inspection 5 Years:				
SERPG 9519-4020/5	5-Year QuantiFit2 Gold Service Contract	\$4,707.00	1.00000	
Maintenance and Extended Warranty Total Amount:				\$4,707.00
Fit Test Sampling Probe/Adapter:				
FTK 9513-0130	Kit 1 40 MM DIN Single Screw In	\$340.00	1.00000	
FTK 10144231 SP	G1 Facepiece 40 MM Adapter Assy MSA	\$200.00	1.00000	
Fit Test Sampling Probe/Adapter Total Amount:				\$540.00
Fit Testing Machine:				
FTK 9519-4200	QuantiFit2 Respirator Fit Testing System with Bluetooth	\$9,795.00	1.00000	
FTK 3010-4023	QuantiFit2 Battery	\$450.00	1.00000	
Fit Testing Machine Total Amount:				\$10,245.00
SUBTOTAL				\$15,492.00
SHIPPING/HANDLING				\$75.00
TOTAL				\$15,567.00

Except as otherwise provided in the quotation or order acknowledgement, as the case may be, the price does not include any Federal, State, or local taxes or duties.

If you have any questions concerning this quotation call (888) 464-3872 or email sales@ohdusa.com

THANK YOU FOR YOUR BUSINESS!

PLEASE REVIEW OUR TERMS AND CONDITIONS ON THE FINAL PAGE OF THIS QUOTE

GENERAL TERMS AND CONDITIONS OF SALE – OHD, LLLP

I. ACCEPTANCE TERMS AND CONDITIONS

The term "Order" as used herein shall mean the total agreement between the parties arising out of the Purchaser's agreement to buy and the Seller's (OHD, LLLP) agreement to sell the Goods described on the face of this quotation or acknowledgement. The Purchaser's order is accepted expressly conditioned upon the following terms and conditions which may not be varied or added to, except by written agreement signed by an authorized representative of OHD, LLLP (hear after referred to as OHD). Inconsistent or additional terms or conditions stated by Purchaser will not be binding on OHD, whether or not such terms or conditions "materially alter" this Order. Failure of Purchaser to specifically object to any of these terms or conditions prior to OHD shipping the Order shall constitute acceptance of these terms and conditions by Purchaser.

II. WARRANTY

- A. OHD warrants that, at the time of delivery, the Goods delivered under this Order shall be free of all defects in workmanship and material. OHD will repair or replace, at its sole option, any Goods found to be defective by OHD, if notified by Purchaser within the Warranty time period. This remedy is Purchaser's exclusive remedy for breach of warranty.
- B. Warranty Time Periods
 - a. New Products manufactured by OHD: The warranty time period shall be two (2) years from date of shipment by OHD, except as noted below.
 - i. Extended for fifteen (15) days when shipped to a USA domestic Distributor; or
 - ii. Extended for forty-five (45) days when shipped to an international Distributor.
 - iii. Rechargeable battery pack warranty shall be 1 year from date of shipment. Exceptions II.B.a.i. and II.B.a.ii. apply
 - b. New Products not manufactured by OHD: The warranty time period shall be the time period provided by the manufacture of that product. This includes commercial off the shelf products that are accessories for OHD manufactured products.
 - c. Refurbished products warranty: The warranty time period shall be 180 days from date of shipment by OHD.
 - d. Exceptions to the above Warranty time periods: Purchased extended warranty options.
- C. This Warranty does not cover components that are expendable in normal use, and thus have an unpredictable service life, such as but not limited to batteries, fuses, filters, and diaphragms.
- D. This Warranty shall be null and void on any product which:
 - a. Is operated or used in excess of the product's operating specifications; or
 - b. Is not properly maintained in accordance with its maintenance manual or specifications; or
 - c. Has been repaired or modified by persons other than authorized OHD personnel, unless such work is authorized in advance in writing by OHD; or
 - d. Has been damaged, abused, or misused.
- E. Warranty on Service and Repairs:
 - a. Goods, which have been repaired or replaced during the Warranty period, are warranted only for the remainder of the unexpired portion of the original Warranty period.
 - b. Repairs or service provided not pursuant to Warranty: 90 days from date of shipment by OHD.
 - c. Round Trip Shipping Warranty. OHD will repair or replace, at its sole option, items damaged or lost by its carrier when this service option is used. The warranty is only valid for OHD supplied items that have been listed on the OHD Service Return Form. Non OHD supplied items, such as but not limited to laptops, respirators, etc., that are included in the shipment are expressly excluded from this warranty.
- F. Representations and warranties made by any person, including distributors and representatives of OHD, which are inconsistent or in conflict with the terms of this Warranty, shall not be binding upon OHD unless presented in writing and signed by a Vice President or the President of OHD.
- G. **OHD SHALL NOT BE LIABLE FOR DIRECT, INDIRECT, CONSEQUENTIAL, ACCIDENTAL OR OTHER DAMAGES RESULTING FROM THE SALE AND USE OF ANY GOODS AND SELLER'S LIABILITY HEREUNDER SHALL BE LIMITED TO REPAIR OR REPLACEMENT OF ANY GOODS FOUND DEFECTIVE.**
- H. **THIS WARRANTY IS IN LIEU OF ALL OTHER WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING BUT NOT BEING LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR USE OR FOR A PARTICULAR PURPOSE, WHICH ARE EXPRESSLY DISCLAIMED, AND CONSTITUTES THE ONLY WARRANTY OF OHD WITH RESPECT TO GOODS SOLD OR DELIVERED UNDER THIS ORDER.**
- I. **PURCHASER IS SOLELY RESPONSIBLE FOR DETERMINING THE SUITABILITY OF OHD PRODUCT(S) FOR THE PURCHASER'S USE OR RESALE, OR FOR INCORPORATING OHD'S PRODUCT(S) INTO SYSTEMS, PRODUCTS, OR FOR APPLICATIONS WHICH PURCHASER DESIGNS, CONSTRUCTS OR MANUFACTURES. PURCHASER SHOULD TEST ALL PRODUCTS UNDER ACTUAL SERVICE CONDITIONS TO DETERMINE SUITABILITY FOR A PARTICULAR PURPOSE.**

III. RETURNED GOODS POLICY

No Goods may be returned unless and until OHD has authorized such return and given shipping instructions. The failure to obtain such authorization prior to returning the Goods shall render the Purchaser liable for any direct, indirect, consequential, incidental and all other costs incurred by OHD in the handling of the returned Goods. Current stock products in unbroken, unmarked packages, in saleable condition, may be eligible for return, subject to approval of Sales Management and a restocking charge of typically no less than 20%.

V. EXPORT ORDERS

Prepayment via wire transfer in US Dollar is required prior to shipment. Shipments will be F.O.B collect from origin on Purchasers carrier account. Purchaser shall be responsible for obtaining any license to import the Goods into the country of destination and shall pay all taxes, duties, and tariffs. Purchaser shall ensure that all Goods exported from the United States are exported in accordance with the U.S. Export Administration regulations and any other applicable U.S. rules, regulations or statutes.

VI. DOMESTIC PAYMENT

OHD shall invoice the Purchaser at the time the Goods are shipped from OHD with payment to be made by the Purchaser according to the terms of the invoice. Net 30 days for approved accounts only. Visa, MasterCard, American Express, Discover, pre-pay, and COD orders are accepted. All prices are payable in US Dollar. Prices are subject to change without notice.

VII. DOMESTIC SHIPMENT

Shipment shall be F.O.B. origin, carrier selected by OHD unless other instructions and special handling fees have been provided by Purchaser. Title to the Goods and risk of loss shall pass to the Purchaser at the F.O.B. point. Shipping dates provided by OHD are approximate and OHD shall use its best commercially reasonable efforts to meet such dates.

VIII. TAXES

Except as otherwise provided in the quotation or order acknowledgment, as the case may be, the price does not include any Federal, State or local taxes or duties.

IX. CANCELLATION

Except as otherwise provided herein, this Order may not be cancelled by Purchaser except with the express consent of OHD in writing and upon payment to OHD of cancellation charges as determined by OHD.

X. INSPECTION

The Purchaser shall inspect and accept any Goods delivered pursuant to this Order within thirty (30) days after receipt of such Goods. In the event the Goods do not conform to any drawings, designs or specifications which are expressly applicable to this Order, the Purchaser shall promptly notify OHD of such non-conformity in writing. OHD shall have a reasonable opportunity to repair or replace the nonconforming Goods at its sole option. The Purchaser shall be deemed to have accepted any Goods delivered hereunder and to have waived any such nonconformity in the event such a written communication is not received by OHD within sixty (60) days after Purchaser's receipt of the Goods.

XI. ASSIGNMENT

Purchaser shall not assign rights under this Order without the written permission of OHD.

XII. FORCE MAJEURE

Neither party shall be liable for its failure to perform hereunder due to any contingency beyond its reasonable control, including without limitation acts of God, fires, floods, wars, sabotage, accidents, labor disputes or shortages, governmental laws, ordinances, rules and regulations, any delay in or inability to obtain labor, machinery, material, products or services through its usual and regular sources or any other similar condition or cause (hereinafter "Force Majeure"). Notwithstanding the foregoing, a Force Majeure event will not excuse the obligation of payment of money.

XIII. GENERAL

The construction, interpretation, and performance of this order and all transactions hereunder shall be governed by the laws of the State of Alabama; U.S.A. Purchaser expressly consents to the jurisdiction of the courts of the State of Alabama in the event litigation arises out of this transaction. If any provision of this order is in violation of any Federal, State or local law or regulation, or is illegal for any reason, such provision shall be deemed self-deleting without affecting the validity of the remaining provisions.

XIV. BLANKET ORDERS

Blanket order pricing is based upon the sale and delivery of the total quantities of Goods specified within the Order within twelve (12) months from the date of OHD's acceptance of the Order. In the event that Purchaser does not accept delivery of the full quantity of Goods stated on the Order within the twelve (12) month performance period, Purchaser shall compensate OHD the difference between the normal pricing for the quantity of Goods actually accepted and the pricing included on this Order times the number of units actually accepted. In addition, Purchaser shall pay OHD a reasonable cancellation charge as determined by OHD based on the unshipped balance of the Order. These additional charges shall be payable on a net thirty (30) day basis.

XV. LIMITATION OF LIABILITY

OHD's liability to Purchaser under this Order or arising out of possession or use of the Goods supplied hereunder or any technical advice relating thereto is limited to the warranty obligations set forth in the Warranty Article. In no event shall OHD's liability to Purchaser, whether based in contract, warranty, OHD's negligence or other tort, strict liability or otherwise, exceed the purchase price of the Goods in question. The foregoing shall constitute the sole and exclusive remedy of Purchaser and the sole and exclusive liability of OHD. **IN NO EVENT SHALL OHD BE LIABLE FOR INDIRECT, CONSEQUENTIAL, INCIDENTAL, EXEMPLARY, OR OTHER DAMAGES RESULTING FROM THE SALE OR USE OF GOODS INCLUDING BUT NOT LIMITED TO LOSS OF PROFIT OR REVENUES, DAMAGE FOR LOSS OF USE OF THE PRODUCTS, DAMAGE TO PROPERTY, CLAIMS OF THIRD PARTIES, INCLUDING PERSONAL INJURY OR DEATH ON ACCOUNT OF USE OF THE PRODUCTS OR FAILURE TO WARN AGAINST OR INSTRUCT ON, OR ADEQUATELY WARN AGAINST OR INSTRUCT ON, THE DANGERS OF THE PRODUCTS OR THE SAFE AND PROPER USE OF THE PRODUCTS, WHETHER OR NOT OHD HAS BEEN ADVISED OF THE POTENTIAL FOR SUCH DAMAGES.**

XVI. COMPLIANCE WITH LAWS. Purchaser acknowledges that the products purchased by it from OHD are products of the United States of America and that the export, use, transmission or other transfer of such products are governed by the laws and regulations of the United States of America. Purchaser agrees that it shall not take, export, or transmit any product to any other country or entity without OHD's prior written consent, which consent OHD may grant or withhold in its sole discretion. Purchaser hereby covenants and agrees to comply with all applicable laws, rules and regulations governing the handling, shipment, labeling, packaging, notification and use of the product by Purchaser and by Purchaser's customer, including without limitation any and all laws, rules and regulations of the jurisdiction where the customer of such product is located and that govern or affect the ordering, shipment, sale, delivery and redelivery of such product in such jurisdiction. Purchaser acknowledges and agrees that OHD has no responsibility or liability for complying or failing to comply with such laws, rules and regulations of the jurisdiction of Purchaser's customers, regardless of whether OHD has reason to know, has been advised or is otherwise in fact aware of such jurisdiction's applicable laws, rules and regulations.

XVII. INTELLECTUAL PROPERTY; PROPRIETARY INFORMATION. Purchaser and its customers and end users shall have no rights in or title to, and OHD shall retain all rights in and title to, any patents, inventions, designs, discoveries, technical data, copyrights, trademarks, trade names, service marks, trade secrets, or other intellectual property rights arising out of the products delivered or provided hereunder (the "**Intellectual Property**"). Purchaser hereby acknowledges and agrees that OHD is granting to Purchaser a non-exclusive limited license to any software contained in the product sold hereunder. All rights not expressly granted to Purchaser herein are reserved by OHD. Purchaser will not, and agrees not to cause or permit an end user of the product to, modify, re-create, reverse engineer, disassemble or decompile the product or any software contained in the product. Notwithstanding the foregoing, any modifications, developments, inventions, discoveries, updates or other improvements (each an "**Improvement**") to the products sold to Purchaser shall be the sole property of OHD and Purchaser agrees to assign to OHD all right, title and interest in and to such Improvements and shall execute any and all documents and instruments as OHD may reasonably determine are necessary or desirable in order to give effect to this section or to preserve, protect or enforce OHD's rights with respect to such Improvements. Purchaser agrees to hold all proprietary information in confidence and not to, directly or indirectly, copy, publish, summarize, or disclose to any person or entity such information without OHD's prior written consent. Purchaser agrees that it will take all steps (including nondisclosure agreements with Purchaser's employees and consultants, and such other steps as Purchaser takes to protect its own proprietary information) necessary to protect and prevent disclosure to and/or use by third parties of any proprietary information of OHD obtained by Purchaser. For the purpose of this section, "proprietary information" includes, but is not limited to, (i) information furnished by OHD, relating to the sale, use, or service of the products sold hereunder; and (ii) information provided by OHD to Purchaser and specifically marked "Confidential."

OHD



The OHD QuantiFit2[®]

The Industry Leader in Respirator Fit Testing

OHDGLOBAL.com

How it works:

During a fit test, the respirator inlets are capped with test adapters, and the inhalation valves are propped open or removed from the respirator. With the test subject holding his or her breath for no more than ten seconds, the QuantiFit2 then establishes and maintains a controlled negative pressure inside the respirator. Since the respirator inlets are sealed, all sources of leakage into the respirator are through either the face-to-face seal or due to integrity issues. The volume of air drawn out of the respirator by the QuantiFit2 during this short period of time is directly equal to the leak rate into the respirator.



What our Customers Are Saying:

"The ability to manage multiple units with one computer is a game changer."
(County Emergency Management Systems)

"My staff and I spent a lot of time researching the available products for fit testing and chose to use OHD's CNP Technology. This decision was made based off several factors including immediate cost, long term operating costs, customer service, ease of use and training, and the time involved in each actual test. OHD's CNP Technology was the clear winner for our needs."
(Department of Corrections)

"We are big fans of the AutoStart function and the other options to initiate the testing process. Also very impressed with the battery operation."
(State Police)



Proven Accuracy: The OHD QuantiFit2 is a highly specialized instrument which utilizes scientifically proven and patented Controlled Negative Pressure (CNP) technology to directly measure respirator leakage using only air. CNP performs the most accurate fit test available and is recognized globally. It is accepted by OSHA [29 CFR 1910.134] and included in the Canadian Standards [CSA Z94.4-2011], UK HSE Standards [EN132-149 & INDG 479], as well as ANSI Z88.10-2010, ISO 16975, Italian UNI 11719, and NFPA 1404.

Test Anywhere: With patented CNP technology, OHD users can perform fit testing in any environment: outside, inside, dirty environments or clean. As long as air is present, the QuantiFit2 can perform fit testing.

No Consumables or Probing: Unlike older technologies that require particles, wicks, and alcohol solutions, the QuantiFit2 simply needs air for testing. By using air, it increases your ability to test, eliminates the requirement to tediously probe the respirator and removes the ongoing cost of replacing fit testing consumables.

Battery Power: Rechargeable battery packs are available with more than four hours of active run time. Combining this with no requirements for test environment and no use of consumables, means the QuantiFit2 is more portable than any other fit testing equipment on the market. This allows users the freedom to choose where to work, no need to be tethered to an outlet.

Fastest Fit Test: With the OSHA and ISO approved CNP REDON respirator fit test protocol, a test can be performed in as little as two minutes with no waiting period for smokers or after eating as required with older fit test methods.

Ease of Use: The QuantiFit2 takes users through the protocol step-by-step so that there is no guess work and very little time is needed to provide instruction. There is no instrument warm up period to worry about, and the one-minute daily verification ensures that the QuantiFit2 is working within a strict tolerance.

Direct Measurement of Leak: The unit precisely measures leak rate (in cc/min) by determining the exact amount of air that leaks into the respirator during the fit test. Other test methods infer leak, while CNP is the only system that directly measures the leak.

OHD Logic: Revolutionary new software allows users to run countless machines simultaneously (as many machines as you are capable of overseeing) with flexibility on the start time for any test. Standard Bluetooth® allows testing to happen from across the room.

AutoStart: The QuantiFit2 automatically senses when the user has initiated a breath hold and begins the test exercise. This allows for touchless testing and even easier operation. Seamlessly move from one test exercise to the next.

Interactive Troubleshooting: Each test exercise graph is captured for review, which allows users to compare results to example support graphs.

Color Touch Screen Display: Animated instructions guide users through an interactive test experience. Menus are easily navigated with a simple touch.

Multiple Donnings: CNP is the only fit testing technology in the world that uses multiple donnings within the fit test protocol. Multiple donnings ensure that users know how to consistently don the respirator correctly.

Features and Benefits





QuantiFit2[®]

Choose the unrivaled technology of **QuantiFit2** to **test “Anytime – Anywhere!”**

QuantiFit2 Specifications

- Calibration: NIST Traceable
- Input Voltage: 12VDC, Center Positive, 3A Max
- Power Supply: Universal, 100-240VAC, 50/60Hz 1A Max
- Operating Temperature: 5 to 45C
- Humidity Range: 20 to 80%, Non-Condensing
- Setup Memory: 20GB
- Size: (H) 11 x (W) 4.4 x (D) 15 inches
- Weight: 8.5 lbs
- Touchscreen: Capacitive Touch (800 x 480 pixel display)

Dynamic Range

- Leak Test Measurement: 2-5000 cc/min
- Resolution: 0.1 cc/min
- Fit Factor Computation: 6-53,000
- Resolution: 1

Pressure Sensor – Fit Testing

- Pressure Range: 0-20 in H₂O
- Resolution: 0.01 in H₂O
- Accuracy: $\pm 0.25\%$ FS
- Over Pressure Limit: 60 in H₂O

Pressure Sensor – Pump

- Pressure Range: 0-20 PSI
- Resolution: 0.1 PSI
- Accuracy: $\pm 2.5\%$ FS
- Over Pressure Limit: 60 PSI

Instrument Accuracy

- Challenge Pressure: $\pm 5\%$
- Leak Rate Measurement: $\pm 3\%$ or ± 3 cc/min (whichever is greater)

USB Interface

- 4 Type A Ports (Keyboard, USB Memory, Printer)
- 1 Type B Port (PC Communication)

Certifications

- UL61010-1/CSA C22.2
- EN 61326-1:2013
- FCC Part 15 Subpart B
- Industry Canada ICES-003 Issue 6

Warranty Instrument Coverage

- Two-Years Parts and Labor
- Accessory Coverage: One Year Parts and Labor.
- Technical Support: No charge phone support to original owner of instrument

+ Lifetime Powertrain Warranty

Standard Accessories

- Hard case with roller wheels, custom insert and retractable handle
- Power Cord, Triple Tube Assembly, PC USB Cable
- OHD Logic Software, Training Video and Operator's Manual on USB Flash Drive

OHD Logic Software

- PC Requirements: 1 GHz or better
RAM 1 GB or greater. Port Disc Space 16GB
- Operating System: Windows 10

Optional Accessories

- Fit Test Respirator Adapter, USB Printer, Fit Test Card Laminator Kit, Extended Warranty, Prepaid Service Contract, Battery Packs, Trigger Button

Contact Us:

OHDGLOBAL.com | Sales@OHDGLOBAL.com | +1 205.980.0180



QuantiFit2[®]

CALIBRATION AND MAINTENANCE

SERVICE OPTION COMPARISON CHART

SERVICE OPTION	BASIC SERVICE	BUMPER TO BUMPER	OHD PREMIUM SERVICE CONTRACT	OHD GOLD SERVICE CONTRACT
CALIBRATION & MAINTENANCE	✓	✓	✓	✓
RETURN SHIPPING		✓	*	*
OHD ROUND TRIP SHIPPING			✓	✓
EXTENDED WARRANTY		✓		✓
OHD ACCESSORY ASSURANCE				✓
IN-HOUSE SERVICE TURN-AROUND TIME	3-5 Days Typical	3-5 Days Typical	3-5 Days Typical	3 Days Guaranteed

* return shipping included with OHD Round Trip Shipping

Contact Us: OHDGLOBAL.com | Sales@OHDGLOBAL.com | +1 205.980.0180

CALIBRATION AND MAINTENANCE

QUANTIFIT2 PREPAID SERVICE OPTIONS – AVAILABLE IN 1, 3 OR 5 YEAR PACKAGES

SERVICE OPTION	DESCRIPTION	PART NUMBER X = NUMBER OF YEARS
CALIBRATION & MAINTENANCE	Prepaid Annual NIST Traceable Calibration and Preventative Maintenance	SERP 9519-4020/X
BUMPER TO BUMPER	Prepaid Annual NIST Traceable Calibration and Preventative Maintenance, QuantiFit2 Warranty Over the Length of the Contract (standard warranty is 2 years) and Return Shipping	SERPW 9519-4020/X
RETURN SHIPPING	Shipping to Customer after Calibration (customer is responsible for shipping to OHD)	Included with Bumper to Bumper Contract
OHD ROUND TRIP SHIPPING	Pick-up and Return of QuantiFit2 for Annual Services (Insured by OHD)	Included with Premium Service Contract and Gold Service Contract
OHD ACCESSORY ASSURANCE	Adapter and Accessory Evaluation and Repair/Replacement	Included with Gold Service Contract

PREPAID SERVICE OPTIONS

SERVICE PACKAGE	1 YEAR PACKAGE COST	3 YEAR PACKAGE COST	5 YEAR PACKAGE COST	PART NUMBER X = NUMBER OF YEARS
Calibration & Maintenance Contract	\$625.00	\$1,790.00	\$2,950.00	SERP 9519-4020/X
Bumper to Bumper Calibration, Maintenance & Extended Warranty Contract Includes: <ul style="list-style-type: none"> Calibration & Maintenance Contract Full Warranty Through Contract Return Shipping 	N/A	\$2,140.00 (AK, HI & Canada \$2,665.00)	\$3,590.00 (AK, HI & Canada \$3,965.00)	SERPW 9519-4020/X
OHD Premium Service Contract Includes: <ul style="list-style-type: none"> Calibration & Maintenance Contract OHD Round Trip Shipping 	\$825.00 (AK, HI & Canada \$1,025.00)	\$2,480.00 (AK, HI & Canada \$3,175.00)	\$4,230.00 (AK, HI & Canada \$5,525.00)	SERPP 9519-4020/X
OHD Gold Service Contract Includes: <ul style="list-style-type: none"> Calibration & Maintenance Contract Full Warranty Through Contract OHD Accessory Assurance OHD Round Trip Shipping 3 Day In-House Service Turnaround 	\$1,030.00 (AK, HI & Canada \$1,230.00)	\$3,080.00 (AK, HI & Canada \$3,775.00)	\$5,230.00 (AK, HI & Canada \$6,525.00)	SERPG 9519-4020/X

*Prices and specifications subject to change without notice

Contact Us: OHDGLOBAL.com | Sales@OHDGLOBAL.com | +1 205.980.0180



AFC International Inc.
PO Box 894
DeMotte, IN 46310
www.afcintl.com
219-987-6825

QUOTE

Quote # GASQ72251
Date 09/15/22
Sales Rep. John
Valid Till

Quote To:

Beverly Hills Department of Public
Robert Ginther
18600 West Thirteen Mile Rd.

Ship To:

Beverly Hills MI 48025



Phone (248) 540-3417

Fax

Delivery

Email rginther@beverlyhillspolice.com

Below is the quote that you requested. To place an order, send POs to jlee@afcintl.com

Qty	Part Number	Description	Unit Price	Ext. Price
1	AF9-000-PRO	AccuFIT9000 Pro Quantitative Fit Tester Kit. Includes: AccuFIT9000 fit tester, rugged hardsided carrying case, AccuPunch N95 inlet probe install tool, inlet probes & retainers, AC adapter, 99.5% reagent grade alcohol, AccuFIT testing software, USB cable, operation and service manual, factory calibration certificate	\$12,495.00	\$12,495.00
1	AccuProtect-Five-Pro-Plus4	AccuFIT9000 Pro. 5-year parts and labor warranty, adds two years to standard warranty. Add 4 calibration/cleaning	\$4,650.00	\$4,650.00
1	AFC-T-Fittest	Advanced/Basic, hands on user training to include operation and care of the AccuTec-IHS AccuFIT9000 Fit Tester unit. Training will provide actual fitting of a few workers in order to build customers confidence and abilities to use unit effectively.	\$0.00	\$0.00
1	UFS-MAK-MSA-G	MSA G1 mask adapter kit for AccuFIT9000	\$385.00	\$385.00
1	Shipping	Estimated Shipping Charges	\$65.00	\$65.00
		SubTotal		\$17,595.00
			Total	\$17,595.00

Shipping is an additional cost. For calibration gas orders, a \$44.00 hazmat fee will be applied to the total shipping cost.

Returned & cancelled orders are subject to a 30% restocking fee.

Thank you for the opportunity to provide you with a price quote. We appreciate your business and look forward to working with you.

John Lee
Safety Sales Specialist
jlee@afcintl.com
Ph: 219-987-6825
TF: 800-952-3293
Fx: 219-987-6826

AFC International Inc

800-952-3293

Fax: 219-987-6826

www.afcintl.com

Financing & Service Contracts Available Upon Request

Stay connected with AFC International on the following social media platforms.

- Facebook - LinkedIn - YouTube - Instagram



500 Cardigan Road
Shoreview, MN 55126
USA
EIN 41-0843524

Tel:(800)680-1220
Fax:(651)490-3824
Web:www.TSI.com
Email:answers@TSI.com

Page 1 of 2

Quotation

Quote Contact	Make PO Out To: TSI Inc.
	Quotation Number 20238104 Quotation Date 09/06/2022 Customer No 36685 Cust. Ref. Incoterms 2020 CPT: Prepay & Add Consignee's Premises Payment Term Net 30 days Valid To 12/31/2022 Currency USD Method of Payment PO, Visa, Amex, Mastercard Reference Quote number when submitting PO
Bill-To-Party BEVERLY HILLS FIRE DEPT 445 N REXFORD DR BEVERLY HILLS CA 90210-4857	
Ship-To-Party BEVERLY HILLS FIRE DEPT 445 N REXFORD DR BEVERLY HILLS CA 90210-4857	

Item	Material/Description	Quantity	Unit Price	Amount
1	8048-T PortaCount Model 8048-T; w/ Tablet Respirator Fit Tester Includes: Carry Case; AC Adapter with Universal Plug Set; 8026 Particle Generator (115 VAC); Alcohol Cartridge; Alcohol Fill Capsule; Storage Cap; (2) Zero Check Filters; 3/16" and 1/4" Hose Adapters; (2) Spare Alcohol Wicks; (100) Sampling Probes; (100) Lock Washers; Probe Insertion Tool; Neck Strap; 8016 Alcohol Supply containing (16) 30mL Bottles of Reagent Grade Isopropyl Alcohol; FitPro Ultra Fit Test Software; Microsoft® Surface Go® Tablet; WiFi USB Adapter; USB-A & USB-C Cable; and 2-Year Warranty	1.00 EA	16,235.00	16,235.00
2	8025-N95R Fit Test Probe Refill Kit for 8025-N95 Refill Kit for 8025-N95 Sampling Probe Kit For fit testing disposable filtering-facepiece respirators. Includes: 500 Probes, 500 Push Nuts (no tools).	1.00 EA	175.00	175.00
3	B2B5-8048 QG B2B Warranty, 5-Yr, PortaCount 8048 Quality Guard Bumper-To-Bumper 5-year Warranty Contract for Annual Clean and Calibration, as well as Repair Services. TSI covers the cost of standard ground shipping to return the instrument from TSI. Fast Track (expedited) Service included. This B2B Warranty Contract is not applicable when the TSI Service Group has determined that misuse and/or abuse has occurred to the instrument.	1.00 EA	5,375.00	5,375.00



500 Cardigan Road
Shoreview, MN 55126
USA
EIN 41-0843524

Tel:(800)680-1220
Fax:(651)490-3824
Web:www.TSI.com
Email:answers@TSI.com

Page 2 of 2

Quotation

Bill-To-Party

BEVERLY HILLS FIRE DEPT

Quotation Number

20238104

Quotation Date

09/06/2022

Item	Material/Description	Quantity	Unit Price	Amount
	All 5-year Warranty contracts will be valid for 60 months, from the date of instrument shipment and are linked to the serial number of the instrument. B2B Warranty Contracts are applicable to new instrument sales only. This B2B Warranty Contract is non-transferable, and no other instrument serial number will be accepted for service.			
			Sub Total	21,785.00
			Discount	320.00-
			Freight	105.00
			Tax	1,528.55
			Total Amount	23,098.55

Freight is only an estimate. Freight will be prepaid and added to final invoice at exact cost.

Tax can be removed with current copy of tax exempt cert

Sales Tax and Freight charges are subject to change based on tax status of customer and shipping method selected.

These items are controlled by the U.S. Government and authorized for export only to the country of ultimate destination for use by the ultimate consignee or end-user(s) herein identified. They may not be resold, transferred, or otherwise disposed of, to any other country or to any person other than the authorized ultimate consignee or end-user(s), either in their original form or after being incorporated into other items, without first obtaining approval from the U.S. Government or as otherwise authorized by U.S. law and regulations.

This Quotation is subject to the warranties, disclaimers and all other terms and conditions set forth by TSI Inc. and incorporated by reference and to no others. Seller reserves the right to change prices effective on any new orders, provided Seller notifies in writing those with currently valid Quotations prior to any order being placed. This quotation shall become an agreement binding upon the Buyer and Seller when accepted by the Buyer and subsequently accepted by an authorized representative of the Seller at the Seller's home office and thereupon shall constitute the entire agreement between the parties.

Vince Pannucci

TSI Incorporated

Date 09/06/2022

TSI Terms and Conditions apply and are incorporated by reference. See <http://www.tsi.com/tc.pdf>

For payment terms, complete credit application at <http://www.tsi.com/credit-app/>



To: Honorable President George; Village Council Members

From: Kristin Rutkowski, Village Clerk/Assistant Village Manager

Subject: 2023 Java and Jazz Series

Date: October 25, 2022

Administration received a request from Ryan Bills to continue the Java and Jazz series in 2023. The performances would be on the same schedule as 2022: the third Sunday of the month from May to October from 9:00 a.m. to noon at the Beverly Park Pavilion.

Mr. Bills has requested a fee of \$700.00 per performance to help him continue to create more special concert events and to include even more of the best Detroit area musicians available. This is an increase from \$600.00 in 2022. Coffee and treats are also provided and a budget of \$200.00 per event would suffice.

The concert series has been well attended and has received very positive feedback this year and last.

At their September meeting, the Parks & Recreation Board passed a motion to recommend that the Village Council approve the request for a 2023 Java and Jazz series featuring the Ryan Bills Trio to be held on the third Sunday of month from May to October from 9:00 a.m. to noon at the Beverly Park pavilion in an amount not to exceed \$5,400.00.

Suggested Resolution:

The Beverly Hills Village Council approves the request for a 2023 Java and Jazz series featuring the Ryan Bills Trio to be held on the third Sunday of month from May to October from 9:00 a.m. to noon at the Beverly Park pavilion in an amount not to exceed \$5,400.00. Funds for this event series are available in account #101-747-894.00 (Special Events).



To: Honorable President George; Village Council Members
Jeffrey Campbell, Village Manager

From: Kristin Rutkowski, Village Clerk/Assistant Village Manager

Subject: WiFi Grant from the Birmingham Area Cable Board

Date: October 27, 2022

The Parks & Recreation Board has been discussing getting a WiFi connection, a video projector, and a screen at the Beverly Park pavilion. The WiFi access would be similar to that of the “Guest WiFi” at the Village Office and could be used during Board meetings at the pavilion and during pavilion reservations. The screen and projector could be used for smaller, pop-up Movies in the Park or presentations.

The Board submitted a grant request to the Birmingham Area Cable Board at their September 21, 2022 meeting for the WiFi connection and accompanying services from WOW!, a video projector, and a video screen. The Cable Board approved their grant request for 12 months of WiFi Services, the projector, and screen in the amount of \$2,812.00. The Cable Board asked that the Parks & Recreation Board submit a request again next year for another 12 months of service, since prices may change annually. The current rate is \$200.97 per month. The projector and screen have one-time costs totaling \$400.00.

At their October 20, 2022 Parks & Recreation Board meeting, the Board recommended that the Council approve their request for the purchase of WiFi connectivity, a video projector, and a video screen in the amount of \$2,812.00, which will be fully paid for with grant funding from the Birmingham Area Cable Board.

If approved, Administration will work with the service provider (WOW!) and the Village’s IT contractor to implement appropriate cyber security measures.

Suggested Resolution:

Be it resolved, the Beverly Hills Village Council approves the Parks & Recreation Board’s request to install WiFi at the Beverly Park pavilion and the purchase of a video projector and video screen in the amount of \$2,812.00. Funds for these expenses are available in Accounts 101-751-920.00 (Utilities – Park) and 101-751-956.00 (Miscellaneous Expense) and will be covered by a grant awarded by the Birmingham Area Cable Board.

Attachment

Date: June 22, 2022

To: Birmingham Area Cable Board
From: Village of Beverly Hills Parks and Recreation Board
Subject: Grant Request for Beverly Park Pavilion

Background:

The Pavilion at Beverly Park is used actively by individual residents of Beverly Hills, by several community groups and for Village-sponsored events. Village-planned events include concerts, the Halloween Hoot, the Memorial Day parade and carnival, and several others. Community groups hold meetings and conduct activities, and individuals rent the Pavilion for parties and weddings.

The Parks and Recreation Board of the Village has received several requests to enhance the capabilities of the Pavilion by installing a WiFi access point that could be used in conjunction with events and to enable additional events and activities. WiFi access will be used to enable video streaming, music streaming, and video communication within the pavilion.

Request Specifics:

To enable WiFi communication to users of the Pavilion, the following will be needed:

- A wired connection to a cable provider
- A WiFi access point installed at the Pavilion with a repeater to ensure complete coverage
- High bandwidth data services
- Video Projector
- Video Screen

The Parks and Recreation Board has collected estimates and quotes for the cost of these items. Samples from prospective sources are attached, to indicate how these cost estimates were derived:

Item:	Cost:
Wired Connection	\$201/month x 60 Months = \$12,060 ("Coax Option #2", below)
WiFi Access Point with Repeater	Equipment and Installation included in cost of service
Data Services	Included in cost quoted above
Video Projector	\$200
Video Screen	\$200
TOTAL:	\$12,460

Attachments and References:

[Amazon.com: 1080P HD Projector, WiFi Projector Bluetooth Projector, FANGOR 230" Portable Movie Projector with Tripod, Home Theater Video Projector Compatible with HDMI, VGA, USB, Laptop, iOS & Android Smartphone : Electronics](#)

Buy 1080P HD Projector, WiFi Projector Bluetooth Projector, FANGOR 230" Portable Movie Projector with Tripod, Home Theater Video Projector Compatible with HDMI, VGA, USB, Laptop, iOS & Android Smartphone: Video Projectors - Amazon.com ✓ FREE DELIVERY possible on eligible purchases
www.amazon.com

[Amazon.com: Projector Screen and Stand,JWSIT Outdoor Movie Screen-Upgraded 3 Layers PVC 16:9 Outdoor Projector Screen,Portable and Foldable Video Projection Screen with Carrying Bag for Home Theater Backyard : Electronics](#)

Amazon.com: Projector Screen and Stand,JWSIT Outdoor Movie Screen-Upgraded 3 Layers PVC 16:9 Outdoor Projector Screen,Portable and Foldable Video Projection Screen with Carrying Bag for Home Theater Backyard : Electronics
www.amazon.com

Quote from local Cable Provider:

----- Original message -----

From: Jeffrey Bonikowski <jeffrey.bonikowski@wowinc.com>

Date: 6/16/22 8:55 AM (GMT-05:00)

To: Kristin Rutkowski <krutkowski@villagebeverlyhills.com>

Subject: Re: WOW Business Services

Good Morning Kristin,

I have attached the pricing options I had originally quoted before. We also offer an LTE backup solution as well as a service level agreement for our Fiber services.. I have attached some additional information about the services. Please let me know if you have any questions or would like to schedule a time to discuss further.

Coax Option #1:

- 600/50M Coax internet

- Eero Wireless Package
- Eero Secure+
- Monthly Rate \$180.97
- Construction Timeframe: 25 Business Days

Coax Option #2:

- 1000/50M Coax Internet
- Eero Wireless Package
- Eero Secure+
- Monthly Rate \$200.97
- Construction Timeframe: 25 Business Days

Fiber Option #1:

- 600/100M Fiber Internet
- Eero Wireless Package
- Eero Secure+
- Monthly Rate \$290.98
- Construction Timeframe: 45-60 Business Days

Fiber Option #2:

- 1Gig/200M Fiber Internet
- Eero Wireless Package
- Eero Secure+
- Monthly Rate \$390.98
- Construction Timeframe: 45-60 Business Days

Thanks,

Jeffrey Bonikowski | Strategic Account Manager

email jeffrey.bonikowski@wowinc.com mobile 248-798-6083

[Click here to schedule an appointment](#)





To: Village Council President and Council Members

From: Village Manager

Date: October 28, 2022

Re: Proposed Local Infrastructure Project Proposals

Attached for your consideration are revised proposals from the Village Engineer, HRC, for the critical infrastructure projects that were part of the matching grant from Oakland County. As you may recall, local governments could receive up to \$100,000 in one to one (1:1) matching grant funds for critical infrastructure. The grant funding is coming from American Rescue Plan Act of 2021 awarded to Oakland County. At this time, the grant funding was approved for the following projects:

- I. Decision Support Tool Planning – this helps the Village coordinate asset management across different infrastructure system to assure value in Village Infrastructure investments. The budget for this project is \$50,000. The grant would cover \$25,000 of the budget. The purpose of this proposal is to develop a Decision Support Tool that is intended to allow synchronization of the various management plans into a coordinated effort when analyzing improvements on a year-to-year basis. It would also provide a mechanism to adjust the importance of one component over another as regulatory, funding sources and/or other factors may arise.

- II. Basement Backup Protection Program Planning – a plan for developing community specific materials to provide education and resources to Village residents to reduce flooding and sewer backups and the impacts they have on the community. The budget for this project is \$25,000 with the grant covering \$12,500 of that budget.

- III. Sanitary Sewer Planning – The planning to prevent sanitary sewer backups in approximately \$25,000 with the grant covering \$12,500 of that budget. The Village contracts the Office of Oakland County Water Resources Commissioner (WRC) to operate and maintain the sewer system. A budget is developed annually to complete these services. Included in these services is a plan for WRC to complete a CCTV program where all local sewers are televised on a 7-year cycle. Based on the funding allocations provided in the Grant application, \$20,000 was set aside for CCTV work as part of this project. Using an approximate cost of \$3.50 per foot for standard, small diameter, sanitary sewer cleaning and televising, approximately a mile of Village sewers will be able to be televised with these funds as part of this year's program.

- IV. Water Line Service Verifications – the Village will utilize grant funding to assist in material verification of water service lines in order to comply with the State requirement under the

revised Lead and Copper rule. The proposed budget for this project is \$110,000 with the grant covering \$50,000 of that budget.

The proposals from HRC set forth the costs for these projects. The slight revision in the proposal states that HRC's services "have been scoped to match the funding available through the grant and that current guidance do not prohibit the reimbursement of Village staff time to assist in the completion of these tasks. Therefore, should any Village staff be utilized to complete this project, our proposed budget and hours would be decreased to allow the Village to be directly reimbursed by the grant for their staff time." Should the Village desire and is able to perform certain functions related to this project, Village Staff would be compensated at rate between \$27.00/hr - \$58.00/hr for eligible project work, depending on the Village Staff Member performing the project related task.

Suggested Resolution:

Be it resolved that the Beverly Hills Village Council approves HRC's proposals for the following Local Infrastructure Projects that will be partially funded by grants set forth in the Interlocal Local Fiscal Recovery Fund Distribution Agreement between Oakland County and the Village of Beverly Hills approved on September 6, 2022:

- 1) The Decision Support Planning Tool with funding from account number 203-482-810.01 and 592-536-979.01;
- 2) Basement Backup Protection Program Planning with funding from account number 592-536-979.01;
- 3) Sanitary Sewer Planning with funding from account number 592-536-979.01;
- 4) Water Line Service Verifications with funding from account number 592-536-979.01.

October 27, 2022

Village of Beverly Hills
18500 W. 13 Mile Road
Beverly Hills, MI 48025

Attn: Mr. Jeffrey Campbell, Village Manager

Re: Proposal for Professional Engineering Services
Oakland County Local Government Infrastructure Planning Grant Program
Asset Management Decision Support Tool

HRC Job No. 20220790.23

Dear Mr. Campbell:

Congratulations on securing the Oakland County Local Government Critical Infrastructure Planning Grant. As requested, Hubbell, Roth and Clark, Inc (HRC) is pleased to present this budgetary estimate for consulting engineering services to assist with the subject project. Our Scope of work is based on preliminary discussions with your office, extensive knowledge of the infrastructure systems in the Village and development of similar asset management tools for municipalities throughout the State of Michigan. In summary, our services would include the development a Decision Support Tool to coordinate asset management across different infrastructure systems to assure value in Village infrastructure investments.

PROJECT UNDERSTANDING

The Village of Beverly Hills has completed individual asset management plans, capital improvement plans and reliability studies for their road network, sewer system and water system to comply with regulatory requirements and/or take advantage of funding opportunities. These planning documents provide an excellent tool to manage each component of infrastructure. The purpose of this grant is to develop a Decision Support Tool that is intended to allow synchronization of the various management plans into a coordinated effort when analyzing improvements on a year-to-year basis. It would also provide a mechanism to adjust the importance of one component over another as regulatory, funding sources and/or other factors may arise.

SCOPE OF SERVICES

The budget for this portion of the grant is \$50,000. At a blended rate of \$125/hr, this would provide approximately 400 hours of professional engineering services to complete the following tasks:

1. Update current asset management planning documents
2. Determine infrastructure rating methodology
3. Delineate manageable segments of the Village for improvement
4. Analyze combined asset ratings
5. QA/QC analysis results
6. Develop a decision tree for infrastructure project selection
7. Prepare report for use of Decision Support Tool

It is noted that our services have been scoped to match the funding available through the grant and that current guidance do not prohibit the reimbursement of Village staff time to assist in the completion of these tasks. Therefore, should any

Delhi Township
2101 Aurelius Rd.
Suite 2A
Holt, MI 48842
517-694-7760

Detroit
535 Griswold St.
Buhl Building, Ste 1650
Detroit, MI 48226
313-965-3330

Grand Rapids
801 Broadway NW
Suite 215
Grand Rapids, MI 49504
616-454-4286

Howell
105 W. Grand River
Howell, MI 48843
517-552-9199

Jackson
401 S. Mechanic St.
Suite B
Jackson, MI 49201
517-292-1295

Kalamazoo
834 King Highway
Suite 107
Kalamazoo, MI 49001
269-665-2005

Lansing
215 S. Washington SQ
Suite D
Lansing, MI 48933
517-292-1488

Village staff be utilized to complete this project, our proposed budget and hours would be decreased to allow the Village to be directly reimbursed by the grant for their staff time.

We propose to utilize a project team that is consistent with all Beverly Hills projects. Daniel Mitchell, P.E., President will be the Principal In-Charge and Bradley Shepler, P.E., will be the Project Manager. Other key team members include James Surhigh, P.E., Associate, Jack Nagle, PE, Project Engineer and Maria Corona, EIT. All team members are familiar with this type of project and have extensive experience with the various components of the Village's infrastructure systems.

If this proposal is deemed acceptable, please sign and return one copy to this office and retain one for your files. If you have any questions or require any additional information, please contact the undersigned.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.



Bradley Shepler, P.E.
Senior Associate

Attachment

pc: Village of Beverly Hills; Tom Trice, Neil Johnston
HRC; D. Mitchell, J. Surhigh, J. Nagle, M. Corona, File

Approved by:
VILLAGE OF BEVERLY HILLS

Date:

October 27, 2022

Village of Beverly Hills
18500 W. 13 Mile Road
Beverly Hills, MI 48025

Attn: Mr. Jeffrey Campbell, Village Manager

Re: Proposal for Professional Engineering Services
Oakland County Local Government Infrastructure Planning Grant Program
Basement Backup Protection Program Planning

HRC Job No. 20220790.21

Dear Mr. Campbell:

Congratulations on securing the Oakland County Local Government Critical Infrastructure Planning Grant. As requested, Hubbell, Roth and Clark, Inc (HRC) is pleased to present this budgetary estimate for consulting engineering services to assist with the subject program. Our Scope of work is based on a Preliminary report developed by our office on basement backup protection mitigation, preliminary discussions with your office and our extensive knowledge of the sewer and drainage systems in the area. In summary our services would include further development of a Plan that to mitigate the inherent risk of basement back-ups for residents located within the Village's combined sewer system.

PROJECT UNDERSTANDING

Basement backups in combined sewer systems during large rainfall events continues to be a recurring issue. It is not unique to the Village of Beverly Hills. Many communities with combined sewer systems throughout Michigan and across the Nation have experienced these issues and appear to be dealing with them on a more frequent basis due to changes in climate. In recent years the Village continues to explore opportunities to educate their residents and improve the level of service provided by their combined sewer system. HRC completed a report in 2021 that summarized the issue and provided several generic potential improvements that could be completed. In addition, the Office of the Oakland County Water Resources Commissioner continues to develop a program to assist communities with combined systems in the future.

The purpose of this grant project is to continue to develop a program that best meets the Village of Beverly Hills residents. Development of educational materials, a public outreach program and identification of specific areas for potential pilot projects will continue to move the Village closer to a "shovel ready" project and gain an advantage should future opportunities become available. Having these types of materials available could also help with any redevelopment that may occur within the area and/or individual improvements that a homeowner may opt to take on themselves.

Delhi Township
2101 Aurelius Rd.
Suite 2A
Holt, MI 48842
517-694-7760

Detroit
535 Griswold St.
Buhl Building, Ste 1650
Detroit, MI 48226
313-965-3330

Grand Rapids
801 Broadway NW
Suite 215
Grand Rapids, MI 49504
616-454-4286

Howell
105 W. Grand River
Howell, MI 48843
517-552-9199

Jackson
401 S. Mechanic St.
Suite B
Jackson, MI 49201
517-292-1295

Kalamazoo
834 King Highway
Suite 107
Kalamazoo, MI 49001
269-665-2005

Lansing
215 S. Washington SQ
Suite D
Lansing, MI 48933
517-292-1488

SCOPE OF SERVICES

The budget for this portion of the grant is \$25,000. At a blended rate of \$125/hr, this would provide approximately 200 hours of professional engineering services to complete the following tasks:

- Collect and review example basement backup protection programs.
- Develop community-specific educational materials and resources
- Review materials and programming with Village staff
- Review program outline with Village's legal representation.
- Conduct a public outreach event to deliver information and answer questions regarding combined sewer system function and basement backup protection.
- Develop an outline of a Residential Basement Backup Protection Program
- Administration of grant reporting and reimbursements

It is noted that our services have been scoped to match the funding available through the grant and that current guidance do not prohibit the reimbursement of Village staff time to assist in the completion of these tasks. Therefore, should any Village staff be utilized to complete this project, our proposed budget and hours would be decreased to allow the Village to be directly reimbursed by the grant for their staff time.

We propose to utilize a project team that is consistent with all Beverly Hills projects. Daniel Mitchell, P.E., President will be the Principal In-Charge and Bradley Shepler, P.E., will be the Project Manager. Other key team members include Jamie Burton, P.E., Vice President, Jack Nagle, PE, Project Engineer and Taylor Warstler, Graduate Engineer I. All team members are familiar with this project and have extensive experience with municipal combined sewer systems in the area.

If this proposal is deemed acceptable, please sign and return one copy to this office and retain one for your files. If you have any questions or require any additional information, please contact the undersigned.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.



Bradley Shepler, P.E.
Senior Associate

pc: Village of Beverly Hills; Tom Trice, Neil Johnston
HRC; D. Mitchell, J. Burton, J. Nagle, T. Warstler, File

Approved by:
VILLAGE OF BEVERLY HILLS

Date:

October 27, 2022

Village of Beverly Hills
18500 W. 13 Mile Road
Beverly Hills, MI 48025

Attn: Mr. Jeffrey Campbell, Village Manager

Re: Proposal for Professional Engineering Services
Oakland County Local Government Infrastructure Planning Grant Program
Sanitary Sewer System Planning

HRC Job No. 20220790.22

Dear Mr. Campbell:

Congratulations on securing the Oakland County Local Government Critical Infrastructure Planning Grant. As requested, Hubbell, Roth and Clark, Inc (HRC) is pleased to present this budgetary estimate for consulting engineering services to assist you with the subject project. Our Scope of Work is based on the previous Wastewater and Combined Sewer Systems Assessment Management Plan (AMP) completed by our office in 2017, preliminary discussions with your office, extensive knowledge of the area and experience with similar projects. In summary, this portion of the grant would provide for approximately a mile of Closed-Circuit Televising (CCTV) work on the Village's sewer system and an update to the AMP completed in 2017.

PROJECT UNDERSTANDING

In 2014, the Village of Beverly Hills applied for and received a Stormwater, Asset Management and Wastewater (SAW) grant from the State of Michigan to televise and inspect the combined and sanitary sewer system. Because of this grant, the Village was able to CCTV all mainline sewers greater than 20 years old (or that hadn't been rehabilitated in the previous 20 years) to collect features and defects of each sewer segment. The defects were scored using a standard methodology developed by the National Association of Sewer Service Contractors (NASSCO) Pipeline Assessment Certification Program (PACP). From the data collected, an Asset Management Plan (AMP) was developed and presented to the Village in 2017.

The Village contracts the Office of Oakland County Water Resources Commissioner (WRC) to operate and maintain the sewer system. A budget is developed annually to complete these services. Included in these services is a plan for WRC to complete a CCTV program where all local sewers are televised on a 7-year cycle. Based on the funding allocations provided in the Grant application, \$20,000 was set aside for CCTV work as part of this project. Using an approximate cost of \$3.50 per foot for standard, small diameter, sanitary sewer cleaning and televising, approximately a mile of Village sewers will be able to be televised with these funds as part of this year's program.

SCOPE OF SERVICES

The budget for this portion of the Grant is \$25,000, of which \$20,000 would be utilized for the CCTV work through WRC. The remaining \$5,000 would be utilized to provide professional engineering services at a blended rate of \$125/hr to complete the following tasks:

Delhi Township
2101 Aurelius Rd.
Suite 2A
Holt, MI 48842
517-694-7760

Detroit
535 Griswold St.
Buhl Building, Ste 1650
Detroit, MI 48226
313-965-3330

Grand Rapids
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Suite 215
Grand Rapids, MI 49504
616-454-4286

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Howell, MI 48843
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269-665-2005

Lansing
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Suite D
Lansing, MI 48933
517-292-1488

- Coordinate with WRC to review and select the sewers to be televised.
- Coordinate Closed-Circuit Televised (CCTV) inspections with the Village and WRC.
- Review the CCTV reports and evaluate them in accordance with the existing AMP to identify sanitary sewer pipes that may have an unacceptable level of risk of failure.
- Update the condition ratings of the existing AMP for the sanitary sewer system as necessary.

It is noted that our services have been scoped to match the funding available through the grant and that current guidance do not prohibit the reimbursement of Village staff time to assist in the completion of these tasks. Therefore, should any Village staff be utilized to complete this project, our proposed budget and hours would be decreased to allow the Village to be directly reimbursed by the grant for their staff time.

We propose to utilize a project team that is consistent with all Beverly Hills projects. Daniel Mitchell, P.E., President will be the Principal In-Charge. Bradley Shepler, P.E., Sr. Associate will be the Project Manager, with support from Jack Nagle, PE, Project Engineer. All three members are familiar with this project and have extensive experience with the sewer systems in the area.

If this proposal is deemed acceptable, please sign and return one copy to this office and retain one for your files. If you have any questions or require any additional information, please contact the undersigned.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.



Bradley Shepler, P.E., CCCA, LEED AP
Senior Associate

Attachment

pc: Village of Beverly Hills; Tom Trice, Neil Johnston
HRC; D. Mitchell, J. Nagle, File

Approved by:
VILLAGE OF BEVERLY HILLS

Date:

October 27, 2022

Village of Beverly Hills
18500 W. 13 Mile Road
Beverly Hills, MI 48025

Attn: Mr. Jeffrey Campbell, Village Manager

Re: Proposal for Professional Engineering Services
Oakland County Local Government Infrastructure Planning Grant Program
Water Service Line Material Verifications

HRC Job No. 20220790.20

Dear Mr. Campbell:

Congratulations on securing the Oakland County Local Government Critical Infrastructure Planning Grant. As requested, Hubbell, Roth and Clark, Inc (HRC) is pleased to present this budgetary estimate for consulting engineering services to assist with the Water Service Line Materials Verification portion of the Grant. Our scope of work is based on preliminary discussions with your office, extensive knowledge of the area and similar projects of similar scope and size. In summary our services would include the necessary activities to verify and document approximately 100 water service lines to supplement the service line verification work being completed by the Village with Coronavirus State and Local Fiscal Recovery (ARPA) funds.

PROJECT UNDERSTANDING

The Village of Beverly Hills is required by the State of Michigan's Safe Drinking Water Act (MI-SDWA) to develop a Complete Distribution System Materials Inventory (CDSMI) by January 1, 2025. Recent guidance from the Michigan Department of the Environment, Great Lakes & Energy (EGLE) has identified a minimum number of services lines that need to be inventoried for development of the CDSMI. Based on the guidance, the Village of Beverly Hills is required to verify a minimum 354 water service lines (selected at random throughout the water distribution system) at multiple locations along the service line (as also defined in the EGLE guidance), including at the connection with the meter and at each side of the curb stop box (typically located at the Village's right-of-way line).

The Village has previously approved the use of ARPA funds to verify a number of water service lines. The proposed funds from this grant will cover the portion of the project that the Village's ARPA funds would not cover. Because the verification of the service lines (either by visual observation on the inside of the home or excavating to get visual observation outside of the home) is considered "data collection," it is an asset management tool (inventorying) and therefore considered "Planning."

SCOPE OF SERVICES

We estimate that each service line verification will cost approximately \$1,000.00 to complete. Based on the application for the Local Government Critical Infrastructure Planning grant and the portion of the Grant dollars allocated towards this scope of work (\$100,000), the Village of Beverly Hills would be able to perform an estimated 100 verifications under this Grant.

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517-292-1488

The budget for this portion of the Grant is approximately 75% contractor and 25% administration. For the purposes of this proposal, we are estimating \$75,000 in contractor costs to verify the exterior service line and \$25,000 in HRC fees to coordinate, supervise and administer the contract. In total HRC estimates 200 hours at a blended rate of \$125/hr to complete the following professional services:

- 1) Planning and coordinating the verification locations
- 2) Scheduling, tracking, and observing the work
- 3) Internal service line verifications
- 4) Organizing the collected information
- 5) Finalizing restoration items
- 6) Administration of grant reporting and reimbursements

It is noted that our services have been scoped to match the funding available through the grant and that current guidance do not prohibit the reimbursement of Village staff time to assist in the completion of these tasks. Therefore, should any Village staff be utilized to complete this project, our proposed budget and hours would be decreased to allow the Village to be directly reimbursed by the grant for their staff time.

We propose to utilize a project team that is consistent with all Beverly Hills projects. Daniel Mitchell, P.E., President will be the Principal In-Charge and Bradley Shepler, P.E., will be the Project Manager. Other key team members include Jack Nagle, PE, Project Engineer and Nicole Selais, Senior Project Analyst. All four (4) members are familiar with this project and have extensive experience with the municipal water systems in the area.

If this proposal is deemed acceptable, please sign and return one copy to this office and retain one for your files. If you have any questions or require any additional information, please contact the undersigned.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.



Bradley Shepler, P.E.,
Senior Associate

pc: Village of Beverly Hills; Tom Trice, Neil Johnston
HRC; D. Mitchell, N. Selais, J. Nagle, File

Approved by:
VILLAGE OF BEVERLY HILLS

Date:



To: Honorable President George; Village Council Members
Jeff Campbell, Village Manager

From: Kristin Rutkowski, Village Clerk/Assistant Village Manager

Subject: Second Announcement of a Birmingham Area Cable Board Vacancy

Date: October 19, 2022

There is a vacancy on the Cable Board for a partial term ending June 30, 2023.

The Birmingham Area Cable Board meets on the third Wednesday of every other month at 7:45 a.m. in the Village Council Chambers. The Cable Board advises the Village Council as to all matters related to cable television. The Board monitors performance of franchisee and compliance with the franchise agreement. It acts as liaison between residents and franchisee and oversees the Cable Administrator and Municipal Access Channel.

All interested and eligible residents of Beverly Hills are encouraged to apply to become a member of the Cable Board. Applications are available on the Village website or by emailing the Village Clerk at krutkowski@villagebeverlyhills.com. Applications may be submitted to the Clerk's office via email, regular mail, in person, or using the drop box located outside the Village office (18500 W. 13 Mile Road, Beverly Hills, MI 48025).

Applications are due Tuesday, November 8, 2022 with the appointment scheduled to take place at the November 15th regular Village Council meeting.

This constitutes the second announcement of a vacancy on the Birmingham Area Cable Board.

VILLAGE MANAGER'S REPORT
JEFFREY R. CAMPBELL
NOVEMBER 1, 2022

14 Mile Construction Update –The Village of Beverly Hills and our engineer met with the 14 Mile Road contractor yesterday for a construction update. The contractor informed us the road will, weather permitting, likely be open the week of November 14th. Next week, the contractor is expected to complete the sidewalks in anticipation of completing the paving of the driveway and road approaches. Weekly updates will be provided on our website, Facebook and in the email blast.

Planning & Zoning Administrator – The Village has hired Mark Stec as its new Planning and Zoning Administrator. Mr. Stec will start with the Village on October 31, 2022. Since 2021, Mark worked in the private sector as development manager for a commercial real estate company, EIG14T, located in Chicago, IL and Berkley, MI. Prior to that, Mark served as the City Planner for Farmington Hills. He was with the City of Farmington Hills for approximately 10 years. Mr. Stec also possess a master's in urban planning from Wayne State University.

FY 2021-2022 Audit – The annual audit presentation will be conducted at the regular meeting of Tuesday, November 15th.

Election Day – Election Day is Tuesday, November 8, 2022. Please be advised that Village Hall is open on Election Day. Please remember to cast your vote and thank the poll workers for their service. Please be advised that Berkshire Middle School is open and the location for Precinct 7 voters to cast their ballot.

Veterans Day – Village and Township offices will be closed Friday, November 11th in observance of Veterans Day.

Beverly Hills Public Safety

Activity Report

Oct. 13th- Oct. 27th 2022

- The Public Safety Department is currently looking for applicants for Public Safety Officer. Please visit our website, www.beverlyhillspolice.com to see if you qualify.

CALLS FOR SERVICE

- **281 Calls for Service.**
- **72 Tickets issued.**
- **14 Arrests**
- Crime Prevention at Greenfield School.
- Crime Prevention at Beverly School.
- Retail Fraud on Southfield.
- Traffic Accident on Southfield.
- Crime Prevention at Market Fresh Shopping Center.
- Crime Prevention in the area of Nottingham and Robinhood.
- Crime Prevention at Beverly School.
- Crime Prevention at the Corners Shopping Mall.
- Alarm on West Valley Woods.
- Traffic Enforcement at Evergreen and Wilshire.
- Traffic Enforcement at 14 Mile and Southfield.
- Suspicious Circumstance on Locherbie.
- Hospice Death on Walmer.
- Traffic Enforcement at Beverly and Greenfield.
- Animal Complaint at Groves High School.
- Larceny From Vehicle on Kirkshire.
- A vehicle was stopped for defective equipment at Beverly and Pierce. The driver was found to be suspended and was taken into custody without incident. The subject was cited and released at the scene.
- Radar Detail at Beverly and Bates.
- Suspicious Person on Lahser.
- Suspicious Parson on 13 Mile.

- Crime Prevention at Beverly School.
- Animal Complaint on Sunset.
- Suspicious Person on 13 Mile and Lahser.
- Suspicious Vehicle on 13 Mile.
- School Liaison Detail at Groves High School.
- Car Seat Installation at the station.
- Crime Prevention at Groves High School.
- Car Seat Installation at the station.
- Medical at Groves High School.
- Traffic Enforcement at Lahser and 14 Mile.
- Beverly Park closed for the night.
- Crime Prevention at Groves High School after hours.
- Traffic Enforcement at 14 Mile and Evergreen.
- Traffic Enforcement at Evergreen and 13 Mile.
- A driver was stopped for speeding at Southfield and Beverly. The vehicle was occupied by five juveniles and all showed signs of intoxication. The driver had slurred speech and bloodshot eyes and alcohol was found inside the vehicle. The driver was arrested for OWI and all the juveniles were taken into custody for MIP without incident. All subjects were cited and released to their parents and the vehicle was impounded.
- Crime Prevention in the area of Breezewood and Eastlady.
- Assisted Southfield PD with a traffic accident at Southfield and 13 Mile.
- Medical on Orchard Way.
- School Liaison Detail at Groves Homecoming Dance.
- Traffic Enforcement at Evergreen and 14 Mile.
- MDOP to Vehicle at Huntley Square Apartments.
- Suspicious Circumstances at the Corners Shopping Mall.
- Medical on Chelton.
- Crime Prevention in the area of Locherbie.
- Crime Prevention in Huntley Square Apartments.
- Suspicious Circumstances at the BP Gas Station.
- Beverly Park closed for the night.
- Traffic Enforcement at 14 Mile and Southfield.
- Traffic Enforcement at 14 Mile and Lahser.
- Crime Prevention in the area of Foxrun and Georgetown.
- Indecent Exposure at 13 Mile and Fairfax.
- MIP arrest at Douglas and Ronsdale.
- Radar Detail on Southfield.

- Medical on 13 Mile.
- Natural Gas Leak at the Huntley Square Apartments.
- Suspicious Vehicle at the Huntley Square Apartments.
- Medical at the Huntley Square Apartments.
- Fire Truck Checks at the station.
- Medical on Hillcrest.
- A vehicle was stopped for driving at night without headlights at Lahser and Nottingham. The driver was found to be suspended and was taken into custody without incident. The subject was then cited and released and the vehicle was towed.
- Alarm on Kinross.
- Beverly Park closed for the night.
- Vehicle Lockout on Southfield.
- Assisted Franklin PD with a Suspicious Circumstance on Pioneer.
- Crime Prevention at Greenfield School.
- Crime Prevention at Beverly School.
- Police Training at the station.
- Informational Report taken at the station.
- Crime Prevention at Groves High School.
- Crime Prevention at Market Fresh Shopping Center.
- Attempt Suicide at Beverly Park.
- Crime Prevention at Greenfield School.
- Traffic Accident at 13 Mile and Southfield.
- Crossing Guard Detail at Beverly School.
- Crime Prevention at the Corners Shopping Mall.
- Traffic Accident at 13 Mile and Southfield.
- Traffic Enforcement at Evergreen and 14 Mile.
- Crime Prevention at Huntley Square Apartments.
- Traffic Enforcement at Hampton and Lahser.
- Radar Detail at Evergreen and Beverly.
- Alarm on Orchard Place.
- Radar Detail at 14 Mile and Lahser.
- Crime Prevention at Greenfield School.
- Crime Prevention at Beverly School.
- Motorist Assist on Lahser and 13 Mile.
- Crime Prevention at Groves High School.
- Traffic Enforcement at 13 Mile and Evergreen.
- Medical on 13 Mile.
- Medical on Lahser.
- Traffic Accident on Beverly.
- Civil Matter on Bellvine Trail.

- Crime Prevention at Market Fresh Shopping Center.
- Crime Prevention at Beverly School.
- Crime Prevention at the Corners Shopping Mall.
- Fire Alarm on Beverly Court.
- Traffic Enforcement at Beverly and Norchester.
- Crime Prevention in Huntley Square Apartments.
- Beverly Park closed for the night.
- Medical on Amherst.
- Officers met with Birmingham PD and took custody of a subject with an outstanding warrant from our jurisdiction. The subject was arrested without incident and is awaiting arraignment.
- Traffic Enforcement at 14 Mile and Southfield.
- Crime Prevention in the area of Hampstead and Lahser.
- Suspicious Vehicle in the Corners Shopping Mall.
- Larceny from Vehicle on Birwood.
- Traffic Accident on Southfield and Beverly.
- Crime Prevention at Beverly School.
- Crime Prevention at Greenfield School.
- Larceny From Vehicle on Birwood.
- Crime Prevention at Groves High School.
- Alarm on Crossbow.
- Animal Complaint on Sunset Court.
- Radar Detail on Riverside and Inglewood.
- Crime Prevention at Greenfield School.
- Crossing Guard Detail at Beverly School.
- Found Property on 13 Mile.
- A vehicle was stopped for defective equipment at Evergreen and Carriage Lane. The driver was found to be suspended with multiple warrants and was taken into custody without incident. The subject was cited & released at the scene. The vehicle was impounded.
- Radar Detail at Riverside and Norwood.
- Beverly Park closed for the night.
- Welfare Check on Foxrun.
- Crime Prevention at Groves after hours.
- Suspicious Person at Greenfield School after hours.
- Crime Prevention in the area of Greenfield and Buckingham.
- Radar Detail at Southfield and Beechwood.
- Traffic Enforcement at Smallwood and Westlady.

- Crime Prevention in the area of Kinross and Birmingham.
- Crime Prevention in the area of Dunblaine and Bates.
- Motor Carrier Stop at 14 Mile and Greenfield.
- Radar Detail on Southfield.
- Crime Prevention in the area of East Valley Woods and Lahser.
- Crime Prevention in the area of Riverside and Devonshire.
- Citizen Assist at the Police Station.
- Alarm on Southfield.
- Crime prevention on Beverly.
- Crime prevention on Fairfax.
- Medical on Lincolnshire.
- Mental health call on Southfield.
- Private property accident on Old Stage.
- Mental health call on 13 Mile.
- Crime prevention on Beaconsfield.
- Radar enforcement on Wilshire.
- Suspicious circumstances on Southfield.
- Park and recreation check.
- Loud party complaint on Beverly.
- Crime prevention on Hampton.
- Officer stopped a vehicle for improper lane usage while crossing the white line several times at 13 Mile. The driver was suspended 10 times and had two outstanding warrant out for him the subject was arrested without incident.
- Crime prevention on Beverly.
- Crime prevention on Birwood.
- Crime prevention on McKenize.
- Crime prevention on Greenfield.
- Crime prevention on Kinross.
- Crime prevention on Beverly.
- Crime prevention on Kennoway.
- Radar enforcement on Riverside.
- Smoke investigation on Beverly.
- Radar enforcement on Riverside.
- Radar enforcement on Beverly.
- Operation medicine cabinet.
- Medical on 13 Mile.
- Medical on Pierce.
- Crime prevention on Fairfax.
- Crime prevention on Beverly.

- Suspicious person on Inglewood.
- Operation medicine cabinet.
- Crime prevention on 13 Mile.
- Juvenile complaint on 13 Mile.
- Crime prevention 13 Mile.
- Assist citizen on 13 Mile.
- Crime prevention on 14 Mile.
- Officer stopped a vehicle on Beverly road as the driver continued to weave in the roadway and pull into several drive ways and back out. The driver was arrested for drunk driving without incident and was lodged at Bham police.
- Crime prevention at Huntley Square.
- Fleeing and eluding a marked police car at 13 Mile.
- Officers stopped a driver for speeding 57/35 mph on 14 Mile. The driver was arrested for Driving While License Suspended without incident. The subject was then turned over to Farmington Hills police for his other warrants.
- Crime prevention on Beverly.
- Crime prevention on Lahser.
- Crime prevention on Kinross.
- Crime prevention on Evergreen.
- Medical on Mayfair.
- Operation medicine cabinet.
- Crime prevention on Beverly.
- Medical on Georgetown.
- Medical on Kennoway.
- Crime prevention on Beverly.
- Medical on Kirkshire.
- Medical on Beverly.
- Crime prevention on Beverly.
- Traffic crash on 13 Mile.
- Public relations on Beverly.
- Missing person on Beverly during the Halloween hoot, child located and turned over to parents.
- Crime prevention on Beverly.
- Odor investigation on Stafford.
- A subject was stopped while driving his on Southfield for having a suspended license. The subject was arrested without incident and released. The passenger had a valid license and drove the car away after the stop.
- Crime prevention on Evergreen.
- Suspicious circumstances on Kirkshire.

- Crime prevention on Crossbow.
- Fire truck checks.
- Odor investigation at on Huntley.
- Suspicious person on Evergreen.
- Found property on 13 Mile.
- Found property was turned to the Public Safety Department. The property was a man's wallet, money and credit cards. The owner was contacted and came to claim his property.
- Family trouble on Metamora.
- Crime prevention on Birwood.
- Crime prevention on Evergreen.
- Crime prevention on 13 Mile.
- Suspicious person on Bellvine.
- Officer stopped a driver for Driving While License Suspended on 13 Mile. The driver was arrested without incident and was cited and released.
- Assisted Bham officers on disorderly conduct no action taken on Woodward.
- Alarm on Waltham
- Crime prevention on Pierce.
- Animal complaint on Lahser.
- Crime prevention on Beverly.
- Crime prevention on Fairfax.
- Medical on Southfield.
- Radar enforcement on Evergreen.
- Radar enforcement on Fairfax.
- Crime prevention on Fairfax.
- 911 Hang up call on 13 Mile.
- Welfare check on Locherbie.
- Medical on 13 Mile.
- Crime prevention on Greenfield.
- Radar enforcement on Southfield.
- Assisted Royal Oak police on adult suicide.
- Selective enforcement on 13 Mile.
- Crime prevention on Dunblaine.
- Crime prevention on Greenfield.
- Crime prevention on E. Valley woods.
- Crime prevention on Evergreen.
- Crime prevention on Kinross.
- Crime prevention on Fairfax.
- Larceny from an auto on Birwood.
- Alarm on Elizabeth.
- Accident at 13 Mile and Lahser.

- Radar on Nottingham.
- Suspicious person on Hilltop.
- Medical on Pierce.
- Medical on Buttonwood.
- Hospice death at Mission pointe.
- Medical on Nottingham.
- Crime prevention on 13 Mile.
- Crime prevention on Beaconsfield.
- Radar enforcement on Riverside.
- Officer stopped a vehicle at 13 Mile and Southfield for crossing the double yellow line several times. The driver was arrested without incident for Driving While License Suspended.
- Crime prevention on 13 Mile.
- Radar enforcement on Beechwood.
- Crime prevention on Locherbie.
- Crime prevention on Greenfield.
- Crime prevention on Fairfax.
- Crime prevention on E. Valley.
- Assist other law enforcement Subject was fleeing from the Bham police and needed help as the subjects car was spiked stripped and occupants fled on foot after fleeing at 110 mph on Woodward and 14 Mile. Beverly Hills Officers held a perimeter for tracking dog.
- Lift assist on Kirkshire.
- Suspicious vehicle on Pierce.
- Medical on Kirkshire.
- Suspicious vehicle on E. Valley.
- Accident on Lahser and Metamora.
- Crime prevention on Beverly.
- Crime prevention on Fairfax.
- Odor investigation on 13 Mile.
- Crime prevention on Southfield.
- Crime prevention on Beverly.
- Officer stopped a car passing on the shoulder on 13 Mile. The vehicle was stopped and the driver was arrested for Driving While License Suspended without incident.
- Traffic complaint on 13 Mile.
- Officer stopped a vehicle for obstructed license plate at 13 Mile and Greenfield. The driver was arrested for Driving While License Suspended without incident.
- Crime prevention on 13 Mil.
- Assist citizen on Southfield.
- Crime prevention on 13 Mile.

- Officers stopped a vehicle who refused to dim there headlights on 13 Mile road. The driver was arrested for Driving While License Suspended without incident. The passenger was issued a citation for allowing an unlicensed driver to drive her car.
- Radar enforcement on Southfield.
- Crime prevention on 13 Mile.
- Crime prevention on Sunset.
- Crime prevention Ronsdale.
- Crime prevention on Elizabeth

Fire & Emergency Medical Services EMS calls

- 1 Injury Accident.
- 1 Gas Leak.
- 1 Lift Assist/Invalid Assist.
- 4 Smoke Investigation.
- 2 Fire Alarms.
- 2 Weekly Apparatus Checks.
- Supervise Midnight Platoons 3 and 4
- Bi-Weekly NFIRS data export uploaded to FEMA.
- Attend and present Fire Governance Report to CLEMIS Advisory.
- Annual pump certification for Engine 32.
- Attend Michigan Fire Fighters Training Council Meeting.
- Attend Mutual Aid Box Alarm System meeting.
- Attend OAKWAY meeting.
- Halloween Hoot.
- Conduct Oakland County Medical Control Authority required EQIP training.
- Attend South Oakland Fire Investigation Team quarterly training.
- Attend South Oakland Fire Association meeting.

DB Weekly and School Liaison

- 3 OWI tickets issued.
- SLO Balagna fire truck presentation at Greenfield Elem.
- Traffic Conference at 46th District Court.
- Sgt Baller & Det. Balagna attended Juvenile Justice Orientation training.
- Balagna attended SWAT training-10/12/2022.

- In-Custody arraignment for Felony OWI-3rd Offense.
- In-Custody arraignment for DWLS-FTA.
- Completed Southfield PD paperwork for warrant arrest.
- Sgt. Baller attended Groves Football game-10/14/2022.
- Sgt Baller attended Groves Homecoming Dance-10/15/2022.
- Sgt Baller Certified PSO Andrew Smith for Taser.
- Det. Balagna attended CSC training-10/17/2022-10/18/2022.
- Balagna attended SWAT training-10/19/2022.
- Took evidence to Oakland County Crime Lab.
- Swear to for Domestic Violence-Felonious Assault.
- Det. Balagna attended Groves Football game-10/21/2022.
- Court Innovations at the 46th District Court.
- Obtained Subpoena for LFA at Market Fresh parking lot.
- Sent Retail Fraud to Village Attorney requesting Warrant.

This holiday season coming up!

The **Better Business Bureau®** is partnering with **Amazon** to drive an education campaign aimed at helping consumers spot impersonation scams during this holiday season ([BBB.org/ImpersonationScams](https://www.bbb.org/impersonationscams)). This scam tactic occurs when a scammer pretends to be a trustworthy organization or individual to steal a person's money or personal information. This co-branded campaign will run through the holiday season, when we typically see an increase in scam attempts with more people seeking to make purchases.

The campaign follows new research published by the BBB Institute for Marketplace Trust on October 5th. The new report, [Start With Trust® Online, the 2022 BBB Online Scams report](#), highlighted new scam tactics, particularly scams perpetrated online, including online purchase scams that impersonate the brands of well-known businesses.

"Fifty-four percent of survey respondents said the scammer claimed to be from a legitimate organization, according to our latest research," notes Melissa Lanning Trumpower, executive director of the BBB Institute for Marketplace Trust, the BBB's Foundation. "Of those who said they were targeted

by an impersonation scam, 50% said they were targeted by scammers pretending to be a trustworthy business. Our partnership with Amazon will help us reach more consumers with important information about how to spot and avoid losing money to these scams."

"Amazon is committed to protecting consumers from impersonation scams and helping them protect themselves," said Kathy Sheehan, vice president and associate general counsel at Amazon. "We're grateful to partner with consumer advocates like the Better Business Bureau to educate consumers."

Data for the campaign and the BBB Institute research report were provided through [BBB Scam Tracker](#), an online reporting and prevention tool that enables people to report and search scam reports. A new-and-improved version of [BBB Scam Tracker](#) will be launched in November in partnership with Amazon and Capital One.

BBB and Amazon recommend the following tips for shopping online:

Prevention tips:

- **Stay calm.** If you receive a suspicious phone call, resist the urge to act immediately, no matter how dramatic the story is or how threatening or intimidating the caller sounds.
- **Don't reply directly.** Instead, visit the company's website or app to use their customer service channel and verify the message or phone call you received.
- **Go to the source or get help.** When in doubt, call a friend, loved one, or your [local BBB](#) to ask for a second opinion. Regardless of what is said in the phone conversation, tell someone.
- **Never feel pressured to give personal information (SSN, account numbers/passwords, license number, etc.) over the phone, especially if the call is unexpected.** Scammers may try to use calls, texts, and emails to impersonate a company's customer service. If you are unsure, end the call/chat and reach out directly to the company's customer service phone

number or website.

- **Never pay over the phone**, especially if the call was unsolicited. If you need to make a payment, go directly to the organization's website or app.
- **Never allow remote access to your computer** if somebody offers tech support. Shut down your computer immediately and seek support directly from your service provider.
- **Search [BBB Scam Tracker](#)**. If you're suspicious about the situation, search [BBB Scam Tracker](#) to see if anyone else has reported a similar situation. The NEW BBB Scam Tracker enables you to search by email, URL, phone number, and more. You can also report suspicious communications that mention Amazon [directly to the company](#).
- **Check that email address or URL more closely**. Scammers use similar website addresses or emails to appear legitimate, but if you look closely, you may find one letter or number that is off.

See [BBB.org/impersonation scams](https://www.bbb.org/impersonation-scams).



OAKLAND COUNTY SHERIFF'S OFFICE
Sheriff Michael J. Bouchard

COAT DRIVE!

Sponsored By:



Coat Drive Runs from November 1st through November 30th

SOUTHFIELD TOWNSHIP
CLERK OFFICE
ELECTION HOURS

SATURDAY, NOVEMBER 5TH 8 A.M. – 4 P.M.

MONDAY, NOVEMBER 7TH 8:30 A.M. – 5 P.M.

TUESDAY, NOVEMBER 8TH 7:00 A.M. -8 P.M.

Last day to mail Absent Voter Ballots is Friday,
NOVEMBER 4TH 5:00 P.M.

After this time voters must appear in person to request an
Absent Voter Ballot.



Kristin Rutkowski

From: Pier, Dawn <Dawn_Pier@comcast.com>
Sent: Friday, October 21, 2022 1:41 PM
Cc: Woody, Eric
Subject: Comcast Programming Advisory

CAUTION: This email originated from outside your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon:

As part of our ongoing commitment to keep you and our customers informed about changes to Xfinity TV services, we wanted to update you that the programming network G4 notified its employees that it is ceasing operations effective October 17, 2022. It is our understanding that G4 will continue transmitting programming until November 14, 2022, and we will continue to carry it until such date.

Please feel free to contact me at 248-924-4917 if you have any questions.

Sincerely,

Eric Woody
Manager, External Affairs
Comcast, Heartland Region
41112 Concept Dr.
Plymouth, MI 48170